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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 180]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.626 *Grapefruit Regulation 180*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than April 27, 1953. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 27, 1953; the recommendation and supporting information for continued regulation subsequent to April 26 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 21, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., April 27, 1953, and ending at 12:01 a. m., e. s. t., May 25, 1953, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1, U. S. No. 1 Bright or U. S. Fancy, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any white seeded grapefruit, grown in the State of Florida, that grade U. S. No. 2 Bright or U. S. No. 2, which are (*a*) of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box, or (*b*) of a size larger than a size that will pack 46 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are

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of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet; or

(vii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. Fancy," "U. S. No. 1 Bright," "U. S. No. 1," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193; 17 F. R. 7408)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of April 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-3710; Filed, Apr. 24, 1953; 8:58 a. m.]

[Orange Reg. 235]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.627 *Orange Regulation 235*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than April 27, 1953. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 27, 1953; the recommendation and supporting information for continued regulation subsequent to April 26 was promptly submitted to the Depart-

ment after an open meeting of the Growers Administrative Committee on April 21, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., April 27, 1953, and ending at 12:01 a. m., e. s. t., May 25, 1953, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.302 of this title; 17 F R. 7879)

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 225 (7 CFR 933.596; 17 F R. 10438)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of April 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-3711; Filed, Apr. 24, 1953; 8:58 a. m.]

[Lemon Reg. 482]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.589 *Lemon Regulation 482*— (a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F R. 3612) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 22, 1953; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 26, 1953, and ending at 12:01 a. m., P. s. t., May 3, 1953, is hereby fixed as follows:

(i) District 1. Unlimited movement;

(ii) District 2: 450 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 481 (18 F R. 2209) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of April 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 53-3727; Filed, Apr. 24, 1953; 8:45 a. m.]

PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA, AND IN CERTAIN COUNTIES OF IOWA AND OF INDIANA

ORDER DISCHARGING TRUSTEES FOR LIQUIDATION ACTION

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), the provisions of Marketing Order No. 60, as amended (7 CFR Part 960), regulating the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, North Dakota, and in certain counties of Iowa and of Indiana, hereinafter referred to as the "amended order," were terminated by an order issued on July 27, 1951 (16 F R. 7538) effective as of 11:59 p. m., c. s. t., August 15, 1951. Said order also provided for the liquidation of the assets under the aforesaid marketing order program.

The members of the North Central Potato Committee were designated joint trustees of all the funds and property and were directed to conduct the liquidation and effect the distribution of any excess funds among the handlers entitled thereto.

Such liquidation and distribution have been effected in accordance with the provisions of the procedure prescribed in the said termination order and the applicable provisions of the amended order; all books and records of the North Central Potato Committee and of the trustees have been delivered to the Fruit and Vegetable Branch, Production and Marketing Administration; there are no funds or property in the possession or under the control of said trustees; and there is no further liability or outstanding obligation to be discharged by said trustees.

It is, therefore, hereby ordered, That the aforesaid members of the North Central Potato Committee, serving as trustees pursuant to said amended order and said termination order, be, and they hereby are, discharged and released from any further obligations to serve as joint trustees pursuant to said orders.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of April 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc 53-3659; Filed, Apr 24, 1953; 8:52 a. m.]

PART 971—MILK IN THE DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

Sec.

AUTHORITY: §§ 971.0 to 971.97 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 971.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective on and after the date it is published in the FEDERAL REGISTER in order to reflect current marketing conditions and to maintain stability in the marketing of milk in the Dayton-Springfield, Ohio, marketing area. Any undue delay in effecting this order amending the order, as amended, will tend to impair the orderly marketing of milk in this marketing area. Certain of the provisions of this order are of a seasonal nature and effect changes which should be made on April 1 or as soon thereafter as possible. The regulatory provisions of this order amending the order, as amended, are such that no extensive preparation prior to its effective date will be required of handlers regulated thereunder. Proposed amendments which would have resulted in changes similar to those effected by this order amending the order, as amended, were considered at a public hearing on January 6 and 7, 1953; a recommended decision in this proceeding, to which interested persons were given an opportunity to file written exceptions, was issued on March 18, 1953; and a decision in this proceeding was issued on April 17, 1953. Under these circumstances the handlers will be afforded reasonable time for any such preparations as may be necessary. Therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order amending the order, as amended, until at least 30 days after its publication in the FEDERAL REGISTER, and good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) for making this order amending the order, as amended, effective on and after the date it is published in the FEDERAL REGISTER.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, as amended, and as hereby further amended, which is marketed within the Dayton-Springfield, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interest of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Dayton-Springfield, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 971.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 971.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the

powers and to perform the duties of the said Secretary of Agriculture.

§ 971.3 *Dayton - Springfield, Ohio, marketing area.* "Dayton-Springfield, Ohio, marketing area" hereinafter called the "marketing area," means the cities of Dayton, Oakwood, and Springfield; the townships of Bath and Miami, in Greene County; the townships of Miami, Jefferson, Madison, Van Buren, Harrison, Butler, Mad River, and Washington, in Montgomery County; and German township in Clark County; all in the State of Ohio.

§ 971.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 971.5 *Producer* "Producer" means any person who produces, under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area, milk which is (a) received at a plant from which Class I milk is disposed of in the marketing area, or (b) caused by a handler to be delivered to a plant from which Class I milk is not disposed of in the marketing area.

§ 971.6 *Handler* "Handler" means (a) any person, except a person who receives other source milk only, with respect to milk (including any milk from his own farm production) received by him at a plant from which Class I milk is disposed of in the marketing area, or (b) any cooperative association, or other person included under paragraph (a) of this section, with respect to any milk produced under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area which such cooperative association or person causes to be delivered to a plant from which Class I milk is not disposed of in the marketing area. Milk caused to be delivered by a handler in accordance with paragraph (b) of this section shall be considered as having been received by such handler. With respect to milk caused by a handler to be delivered directly from the producer's farm to another handler, the handler to be considered as receiving such milk shall be determined by written agreement between the two handlers filed with the market administrator on or before the 5th day after the end of the first month during which it becomes effective, or in the absence of such an agreement, shall be determined by the market administrator.

§ 971.7 *Other source milk.* "Other source milk" means all skim milk and butterfat received by a handler other than in (a) milk received from producers or associations of producers, and (b) any nonfluid milk product received and disposed of in the same form.

§ 971.8 *Cooperative association.* "Cooperative association" means any cooperative association of producers which, as determined by the Secretary, has (a) its entire activities under the control of its members, and (b) meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

§ 971.9 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized to perform the price reporting functions specified in § 971.50.

MARKET ADMINISTRATOR

§ 971.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of the Secretary.

§ 971.21 *Powers.* The market administrator shall have the power:

(a) To administer this subpart in accordance with its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations of the provisions of this subpart;

(c) To make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 971.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Pay, out of the funds provided by § 971.77, (1) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, except those incurred under § 971.78, which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclosed to handlers and producers, unless otherwise directly by the Secretary, the name of any person who, within 2 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 971.30, or (2) payments pursuant to §§ 971.70, 971.71, 971.74 and 971.76;

(f) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(g) On or before the 12th day after the end of each month, report to each cooperative association for such month, with respect to each handler, the utilization, on a pro rata basis, of milk of producers, payment for which is to be made to such cooperative association pursuant to § 971.70; and

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any person upon whose utilization the classification of milk depends.

REPORTS, RECORDS, AND FACILITIES

§ 971.30 *Monthly report of receipts and utilization.* On or before the 7th day after the end of each month, each handler shall report to the market administrator for each plant, with respect so all milk and milk products received during such month, in the detail and on forms prescribed by the latter, (a) the butterfat tests, quantities, and sources of all milk, skim milk, cream, and other milk products received; (b) the utilization thereof; and (c) such other information with respect to such receipts and utilization as the market administrator may request.

§ 971.31 *Other reports.* (a) Each handler who receives at his plant only milk from his own farm production or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 22d day after the end of each month each handler shall submit to the market administrator such handler's producer payroll for such month, which shall show (1) the total pounds of milk received from each producer and association of producers and the total pounds of butterfat contained in such milk, (2) the amount of payment to each producer and association of producers, and (3) the nature and amount of the deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

§ 971.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify, or to establish the correct data with respect to (a) the utilization, in whatever form of all skim milk and butterfat received; (b) the weights, samples, and tests for butterfat content of all milk and milk products previously received or utilized or currently being received or utilized; and (c) payments to producers and associations of producers.

§ 971.33 *Retention of records.* All books and records required to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided,* That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or

a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 971.40 *Basis of classification.* All skim milk and butterfat contained in milk, or in skim milk, cream, and other milk products received by a handler at a plant from which Class I milk is disposed of in the marketing area or caused to be delivered in the manner described in § 971.6 (b) shall be classified by the market administrator in the classes set forth in § 971.41.

§ 971.41 *Classes of utilization.* Subject to the conditions set forth in §§ 971.42 and 971.43, the classes of utilization shall be:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form (except that which was dumped or disposed of for livestock feeding) as milk, including reconstituted milk, skim milk, buttermilk, flavored milk, or flavored milk drinks; (2) used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption; and (3) not specifically accounted for as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat disposed of (1) in fluid form as sweet or sour cream; and (2) in fluid form as any mixture of cream and milk (or skim milk) which contains 8 percent or more but less than 18 percent of butterfat.

(c) Class III milk shall be all skim milk and butterfat specifically accounted for as (1) used to produce, or disposed of as, ice cream, ice cream mix, frozen cream, condensed milk, condensed skim milk, cottage cheese, any other milk product not specified in Class I and Class II milk, or any commercially manufactured food product; (2) having been dumped or disposed of for livestock feeding; and (3) plant shrinkage as computed pursuant to § 971.45.

§ 971.42 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in §§ 971.41 and 971.43 the burden rests upon the handler to account for all skim milk and butterfat received by him and to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat classified in one class shall be reclassified if later used or disposed of (whether in original or other form) by a handler in another class, in accordance with such later use or disposition.

§ 971.43 *Transfers.* (a) Subject to the conditions set forth in § 971.42, skim milk or butterfat when transferred in fluid form as milk, skim milk, flavored milk, flavored milk drinks, or buttermilk, by a handler who receives milk from producers or from an association of producers shall be classified (1) in the class as agreed upon by both handlers if transferred to a handler other than as described in subparagraph (2) of this paragraph, subject to verification by the market administrator; (2) as Class I milk, if transferred to a handler who receives no milk from producers or from an association of producers other than such handler's own farm production; and (3) as Class I milk if transferred by a handler to a person other than a handler who distributes milk in fluid form or manufactures milk products, unless the market administrator is permitted to audit the records of receipts and utilization at the plant of the buyer, in which case the classification of all skim milk and butterfat received at the plant of the buyer shall be determined and the skim milk and butterfat transferred by the handler shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at the plant of the buyer directly from dairy farmers who the market administrator determines constitute the regular source of supply for the plant of the buyer.

(b) Subject to the conditions set forth in § 971.42, skim milk and butterfat when transferred in fluid form as cream from a handler who receives milk from producers or from an association of producers shall be classified (1) in the class as agreed upon by both handlers if transferred to a handler other than as described in subparagraph (2) of this paragraph, subject to verification by the market administrator; (2) as Class II milk if transferred to a handler who receives no milk from producers or from an association of producers other than such handler's own farm production; and (3) as Class II milk if transferred by a handler to a person other than a handler who distributes cream in fluid form or manufactures milk products: *Provided,* That if the selling handler on or before the 7th day after the end of the month during which the transfer was made furnishes to the market administrator a statement which is signed by the buyer and the seller that such skim milk and butterfat was used as a product covered by Class I milk or Class III milk, such skim milk and butterfat shall be classified accordingly, subject to verification by the market administrator.

(c) Other source milk caused by a cooperative association to be delivered from the plant of a person not a handler to the plant of a handler other than such cooperative association shall be considered as a transfer from the cooperative association to the handler, and shall be classified accordingly pursuant to paragraphs (a) and (b) of this section and § 971.44 (j) (1) and (3) if the cooperative association and the handler operating the plant to which such other source milk was caused by the cooperative association to be delivered both so indicate in their reports filed pursuant to § 971.30.

§ 971.44 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler for such month and compute the respective amounts of skim milk and butterfat from milk of producers and of associations of producers in Class I milk, Class II milk, and Class III milk, as follows:

(a) Determine the handler's total receipts by adding together the total pounds of milk, skim milk, and cream received, and the pounds of butterfat and skim milk used to produce all other milk products received;

(b) Determine the total pounds of butterfat contained in the receipts computed pursuant to paragraph (a) of this section;

(c) Determine the total pounds of skim milk contained in the receipts computed pursuant to paragraph (a) of this section;

(d) Determine the total pounds of butterfat in Class I milk by: (1) Computing the sum of the pounds of butterfat disposed of in each of the several items of Class I milk; and (2) adding all other butterfat not specifically accounted for as Class II milk or Class III milk;

(e) Determine the total pounds of skim milk in Class I milk by: (1) Computing the sum of the pounds (not including flavoring materials) disposed of as each of the several items of Class I milk; (2) subtracting the result obtained in paragraph (d) (1) of this section; and (3) adding all other skim milk not specifically accounted for as Class II milk or Class III milk;

(f) Determine the total pounds of butterfat in Class II milk by computing the sum of the pounds of butterfat disposed of in each of the several items of Class II milk;

(g) Determine the total pounds of skim milk in Class II milk by: (1) Computing the sum of the pounds of milk, skim milk, and cream disposed of in each of the several items of Class II milk; and (2) subtracting the result obtained in paragraph (f) of this section;

(h) Determine the total pounds of butterfat in Class III milk by: (1) Computing the sum of the pounds of butterfat used to produce each of the several items of Class III milk; and (2) adding the plant shrinkage of butterfat computed pursuant to § 971.45 (c)

(i) Determine the total pounds of skim milk in Class III milk by: (1) Computing the sum of the pounds of milk, skim milk, cream, and other milk products which were used to produce each of the several items of Class III milk; (2) subtracting the result obtained in paragraph (h) (1) of this section; and (3) adding the plant shrinkage of skim milk computed pursuant to § 971.45 (c), and

(j) Determine the classification of milk received from producers and from associations of producers by:

(1) Subtracting, respectively, from the total pounds of skim milk and butterfat in each class, in sequence beginning with Class III milk; the pounds of skim milk and butterfat received as other source milk;

(2) Subtracting, respectively, from the remaining pounds of skim milk and but-

terfat in each class in sequence beginning with Class III milk, the pounds of skim milk and butterfat received from any handler who receives no milk from producers or from associations of producers other than such handler's own farm production;

(3) Subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, the pounds of skim milk and butterfat received from handlers other than those described in subparagraph (2) of this paragraph, and used in such class; and

(4) Subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, in sequence beginning with Class III milk, the pounds of skim milk and butterfat by which the total pounds, respectively, in all classes exceed the pounds of milk received from producers and from associations of producers.

§ 971.45 *Shrinkage.* The amount of skim milk and butterfat at each plant to be classified as Class III milk pursuant to § 971.41 (c) (3) shall be computed as follows:

(a) If the sum of the quantities of skim milk determined pursuant to § 971.44 (e) (g) and (i) equals or exceeds the quantity of skim milk determined pursuant to § 971.44 (c) no skim milk shall be classified as Class III milk pursuant to § 971.41 (c) (3) and the computations described in paragraphs (c) through (l) of this section shall not be made wtih respect to skim milk;

(b) If the sum of the quantities of butterfat determined pursuant § 971.44 (d) (f) and (h) equals or exceeds the quantity of butterfat determined pursuant § 971:44 (b) no butterfat shall be classified as Class III milk pursuant to § 971.41 (c) (3) and the computations described in paragraphs (c) through (l) of this section shall not be made with respect to butterfat;

(c) Determine gross shrinkage of skim milk by deducting the sum of the quantities of skim milk determined pursuant to § 971.44 (e) (g) and (i) from the quantity of skim milk determined pursuant to § 971.44 (c) and the gross shrinkage of butterfat by deducting the sum of the quantities of butterfat determined pursuant to § 971.44 (d) (f) and (h) from the quantity of butterfat determined pursuant to § 971.44 (b)

(d) Deduct from the quantity of butterfat and skim milk determined pursuant to § 971.44 (b) and (c) respectively any skim milk and butterfat, respectively contained therein which was not physically received at the plant for which shrinkage is being computed;

(e) Deduct from the remaining quantities of butterfat and skim milk any butterfat and skim milk, respectively, which was transferred in bulk to another plant operated by the same or another handler;

(f) Deduct from the remaining quantities of butterfat and skim milk any butterfat and skim milk, respectively, which was received in bulk from another plant operated by the same or another handler;

(g) Deduct from the remaining quantities of butterfat and skim milk any butterfat and skim milk, respectively, which was received from another plant operated by the same or another handler, and which was not deducted pursuant to paragraph (f) of this section;

(h) Deduct from the remaining quantities of butterfat and skim milk any butterfat and skim milk, respectively, which is other source milk;

(i) Multiply the quantity of butterfat and the quantity of skim milk deducted pursuant to paragraph (e) of this section by 0.6;

(j) Multiply the quantity of butterfat and the quantity of skim milk deducted pursuant to paragraph (f) of this section by 0.4,

(k) Prorate the gross shrinkage of butterfat and skim milk determined pursuant to paragraph (c) of this section among the following: (1) The quantities of butterfat and skim milk, respectively, deducted pursuant to paragraph (h) of this section, (2) the quantities of butterfat and skim milk, respectively, remaining after making the deductions pursuant to paragraph (h) of this section, (3) the quantities of butterfat and skim milk, respectively resulting from the computations made pursuant to paragraph (1) of this section, and (4) the quantities of butterfat and skim milk, respectively resulting from the computations made pursuant to paragraph (j) of this section; and

(l) The amount of butterfat and skim milk to be classified as Class III milk pursuant to § 971.41 (c) (3) shall be the quantity of the butterfat and skim milk, respectively, prorated to the quantities of butterfat and skim milk, respectively, described in paragraph (k) (1) plus the smaller of the following:

(1) The sum of the quantities of butterfat and skim milk, respectively, in gross shrinkage prorated to the quantities of butterfat and skim milk, respectively, described in paragraph (k) (2) (3) and (4) of this section; or (2) 2½ percent of the sum of the quantities of butterfat and skim milk, respectively, described in paragraph (k) (2) (3) and (4) of this section.

MINIMUM PRICES

§ 971.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I milk and Class II milk prices for the month as provided by §§ 971.51 and 971.52 shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content determined pursuant to paragraphs (a) (b) or (c) of this section:

(a) The market administrator shall compute an average of the basic (or field) prices ascertained to have been paid for milk of 3.5 percent butterfat content received during such month at the following places for which prices are reported to the market administrator by the companies listed below or by the Department of Agriculture:

Company and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Clifton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The market administrator shall compute a price as provided below in this paragraph:

(1) Calculate the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter during such month as reported by the Department of Agriculture for the Chicago market, and multiply such average by 6;

(2) Add 2.4 times the arithmetical average of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within such month as published by the Department of Agriculture;

(3) Divide by 7 and to the resulting amount add 30 percent; and

(4) Multiply the amount computed in subparagraph (3) of this paragraph by 3.5.

(c) The market administrator shall compute a price by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter computed pursuant to paragraph (b) (1) of this section, subtract 3 cents, add 20 percent thereof, and then multiply by 3.5; and

(2) Calculate the arithmetical average of the carlot prices per pound of roller process nonfat dry milk solids in barrels for human consumption at Chicago for the weeks ending within such month as reported by the Department of Agriculture, deduct 5.5 cents, and multiply the result by 8.2.

§ 971.51 *Class I milk prices.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk and butterfat in milk received from producers and from associations of producers which is classified as Class I milk shall be computed by the market administrator as follows:

(a) Add to the basic formula price $1.20 during each month of the year, and add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk and Class II milk (less interhandler transfers and less bulk sales of Class I milk in excess of 1,000 pounds during each month by each handler to persons other than handlers outside the marketing area) in the second and third months preceding by total receipts of milk from producers for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the current supply-demand percentage.

(2) Compute a net deviation percentage by subtracting from the current sup-

ply-demand percentage computed pursuant to subparagraph (1) of this paragraph, the base period ratio shown below:

Month for which price is being computed	Months used to compute ratio	Base period ratio (percent)
January	October and November	86
February	November and December	87
March	December and January	87
April	January and February	84
May	February and March	79
June	March and April	74
July	April and May	66
August	May and June	63
September	June and July	65
October	July and August	70
November	August and September	76
December	September and October	82

(3) Determine the amount of the amount of the supply-demand adjustment from the following schedule:

If net deviation percentage is—	*Supply-demand adjustment is—*
+12 or over	+38
+9 or +10	+28
+6 or +7	+20
+3 or +4	+10
+1 or −1	0
−3 or −4	−19
−6 or −7	−20
−9 or −10	−28
−12 or under	−38

When the difference from the base period Class I and Class II utilization percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

(b) The price per hundredweight of Class I butterfat shall be the average price of butter computed pursuant to § 971.50 (b) (1) multiplied by 130.

(c) The price per hundredweight of Class I skim milk shall be computed by (1) multiplying the price for butterfat pursuant to paragraph (b) of this section by 0.035; (2) subtracting such amount from the sum obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

§ 971.52 *Class II milk prices.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk and butterfat in milk received from producers and associations of producers which is classified as Class II milk shall be computed by the market administrator as follows:

(a) Subtract $0.30 from the Class I price.

(b) The price for Class II butterfat shall be the average price of butter computed pursuant to § 971.50 (b) (1) multiplied by 125.

(c) The price of Class II skim milk shall be computed by (1) multiplying the price for butterfat pursuant to paragraph (b) of this section by 0.035; (2) subtracting such amount from the sum obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

§ 971.53 *Class III milk prices.* The prices to be paid by each handler f. o. b. his plant for that portion of skim milk and butterfat in milk received from producers and from associations of producers which is classified as Class III milk shall be computed by the market administrator as follows:

(a) Calculate the price per hundredweight of butterfat by multiplying the average price of butter computed pursuant to § 971.50 (b) (1) for the month for which prices are being computed by 120 for each of the months of March through August and by 122 for each of the other months of the year: *Provided,* That the price per hundredweight of butterfat made into butter shall be calculated by multiplying such average price of butter by 120 and by subtracting therefrom $5.00 for each of the months of March through August and $3.60 for each of the other months of the year.

(b) The price per hundredweight of skim milk shall be computed by dividing the amount computed pursuant to § 971.50 (c) (2) for the month for which prices are being computed by 0.965: *Provided,* That for each of the months of March through August, 20 cents shall be substracted from the amount so computed.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 971.60 *Value of milk.* The value of milk of each handler for each month shall be a sum of money computed by the market administrator by:

(a) Multiplying by the applicable class prices for skim milk and butterfat, pursuant to §§ 971.51, 971.52 and 971.53, the amounts of skim milk and butterfat in each class which were received either in milk from producers or from an association of producers during such month, and adding together such amounts: *Provided,* That if an amendment to this subpart in proceedings under Docket No. AO 175–A10 becomes effective on a date other than the first day of a month and changes the computation of the value of milk in any way, the revised computation shall be applicable to a percentage of the skim milk and butterfat in total receipts and utilization during the month equal to the percentage that the number of days the amendment is in effect during such month bears to the total number of days in such month, or at the option of each handler, to the volume of skim milk and butterfat actually received during the portion of the month the amendment is in effect as shown by a separate report filed pursuant to § 971.30 for that portion of the month;

(b) Adding an amount equal to the value of any skim milk or butterfat subtracted pursuant to § 971.44 (j) (4) at the applicable price for the class (or classes) from which such skim milk or butterfat was subtracted;

(c) Adding an amount computed by multiplying the differences between the Class III price and the price of the class of disposition by the respective quantities of any skim milk or butterfat disposed of by a handler as Class I or Class II milk which was received as milk, skim milk or cream from a handler who receives no milk from producers or an association of producers other than from his own farm production; and

(d) Adding or subtracting, as the case may be, any amount necessary to correct any errors discovered by the market administrator in the verification of reports or payments of such handler for any previous month which result in payments due the producer-settlement fund or the handler.

§ 971.61 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of the value of his milk for such month as computed in accordance with § 971.60 and of the amount by which such value is greater or less than the total amount required to be paid by such handler pursuant to § 971.70.

§ 971.62 *Computation of the uniform price.* For each month the market administrator shall compute, with respect to milk received by handlers from producers and from associations of producers, a uniform price per hundredweight by:

(a) Combining into one total the values for skim milk and butterfat of all handlers, except those of handlers who failed to make payments required pursuant to § 971.74 for the preceding month;

(b) Subtracting for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by 20 cents in April, 35 cents in May and June, and 30 cents in July: *Provided,* That if an amendment to this subpart in proceedings under Docket No. AO 175–A10 becomes effective during any of these months on a date other than the first day of a month, the amount to be deducted for such month shall be the applicable rate multiplied by the total hundredweight of milk considered pursuant to the proviso of § 971.60 (a) as having been received from producers during the portion of the month such amendment is in effect;

(c) Adding for each of the months of October, November, and December an amount computed by dividing the total amount of the obligated balance in the producer-settlement fund pursuant to § 971.73 (b) on September 30 immediately preceding by three;

(d) Adding an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(e) Subtracting, if the weighted average butterfat test of all pooled milk is greater than 3.5 percent, or adding if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the difference between such weighted average butterfat test and 3.5 by the butterfat differential computed pursuant to § 971.72;

(f) Dividing by the hundredweight of pooled milk; and

(g) Subtracting not less than 4 cents nor more than 5 cents.

§ 971.63 *Announcement of prices.* (a) On or before the 6th day after the end of each month the market administrator shall notify all handlers and make public announcement of the class prices for skim milk and butterfat received from producers or from associations of producers during such month.

(b) On or before the 12th day after the end of each month the market administrator shall notify all handlers and make public announcement of the uniform price computed pursuant to § 971.62 for such month, and of the butterfat differential computed pursuant to § 971.72 for such month.

PAYMENTS

§ 971.70 *Time and method of final payment.* Each handler shall pay on or before the 17th day after the end of each month to each producer for all milk received from such producer during such month at not less than the uniform price, subject to the butterfat differential announced pursuant to § 971.63 and less the amount of the payment made pursuant to § 971.71. *Provided,* That a total amount not less than the sum of the amounts payable to individual producers from which a cooperative association has received written authorization to collect payment shall be paid to such association on or before the 16th day after the end of such month.

§ 971.71 *Partial payments.* On or before the 27th day of each month each handler shall make payment to each producer, except as set forth in paragraph (b) of this section, for all milk received from such producer during the first 15 days of such month. Prices at which such payment shall be made shall be computed quarterly to be applicable to payments to be made in January through March, April through June, July through September, and October through December on the basis of the uniform price for the month immediately preceding the beginning of the quarter as follows:

If the uniform price for the preceding month is—	*Partial payment per hundredweight shall be—*
Under $1.00	$0.00
$1.00–$1.99	.50
$2.00–$2.99	1.00
$3.00–$3.99	2.00
$4.00–$4.99	3.00
$5.00–$5.99	4.00
$6.00–$6.99	5.00
$7.00 or over	6.00

Provided, That a total amount not less than the sum of the amounts payable to individual producers from which a cooperative association has received written authorization to collect payment shall be paid to such association on or before the 26th day of such month.

§ 971.72 *Butterfat differential.* For each month the market administrator shall compute to the nearest one-tenth cent a butterfat differential by multiplying the average price of butter as computed pursuant to § 971.50 (b) (1) by 0.12.

§ 971.73 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" which shall function as follows:

(a) All payments made by handlers pursuant to § 971.74 shall be deposited in this fund, and all payments made to handlers pursuant to § 971.75 shall be made out of this fund: *Provided,* That the market administrator shall offset any such payment due any handler against payments due from such handler;

(b) All amounts subtracted pursuant to § 971.62 (b) shall be deposited in this fund and shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 971.62 (c) and

(c) The difference between the amount added pursuant to § 971.62 (d) and the total amounts resulting from the subtraction pursuant to § 971.62 (g) shall be deposited in, or withdrawn from, this fund, as the case may be to effectuate § 971.62 (d) and (g)

§ 971.74 *Payments to the producer-settlement fund.* On or before the 14th day after the end of each month, each handler shall pay to the market administrator the amount by which the total value of his milk for such month is greater than the sum required to be paid by such handler pursuant to § 971.70.

§ 971.75 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount by which the sum required to be paid producers by such handler pursuant to § 971.70 is greater than the total value of the milk of such handler for such month: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 16th day after the end of any month, has not received full payment for such month from the market administrator pursuant to this section shall be deemed to be in violation of § 971.70 if he reduces his payments per hundredweight thereunder by not more than the amount of the reduction in payment from the market administrator.

§ 971.76 *Adjustment of errors.* Whenever verification by the market administrator of the payment by a handler to a producer or to an association of producers, pursuant to §§ 971.70 or 971.71, discloses payment of less than is required, the handler shall make up such payment not later than the time for making payment pursuant to §§ 971.70 or 971.71 next following such disclosure.

§ 971.77 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 971.22 (c) each handler shall pay to the market administrator, on or before the 14th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts during such month of:

(a) Milk from producers (including such handler's own production) and

(b) Other source milk classified as Class I milk and Class II milk.

§ 971.78 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 6 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 971.70, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from associations of producers, and shall pay such deductions to the market administrator on or before the 14th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

(b) *By cooperative associations.* In the case of producers for whom a cooperative association is actually performing as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may have been authorized by such producers and, on or before the 16th day after the end of the month, pay over such deductions to the cooperative association rendering such services.

MISCELLANEOUS PROVISIONS

§ 971.90 *Application of provisions.* Sections 971.50 through 971.94 shall not apply to a handler who receives at his plant only milk of his own farm production or from other handlers.

§ 971.91 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 971.92.

§ 971.92 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart, whenever he finds that this subpart or any provisions of this subpart, obstructs, or does not tend to effectuate, the declared policy of the act. This subpart shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 971.93 *Continuing power and duty of the market administrator* (a) If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with

the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

§ 971.94 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 971.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 971.96 *Separability of provisions.* If any provision of this subpart, or the application thereof to any person or circumstances, is held invalid, the remainder of the subpart, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 971.97 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s), or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Issued at Washington, D. C., this 22d day of April 1953 to be effective on and after April 25, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-3685; Filed, Apr. 24, 1953; 8:50 a. m.]

PART 983—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

EXPENSES AND RATE OF ASSESSMENT FOR FISCAL PERIOD FEBRUARY 1, 1953 THROUGH JANUARY 1954

Notice was published in the March 27, 1953, daily issue of FEDERAL REGISTER (18 F R. 1730) that consideration was being given to the proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period beginning February 1, 1953, and ending January 31, 1954, inclusive, under Marketing Agreement No. 112 and Order No. 83 (17 F. R. 4971, 5002, 5058; 7 CFR Part 983) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 983.301 *Expenses and rate of assessment for the fiscal period February 1, 1953, through January 1954*—(a) *Expenses.* Expenses in the amount of $7,500 are reasonable and are likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period beginning February 1, 1953, and ending January 31, 1954, inclusive.

(b) *Rate of assessment.* The following rate of assessment which each handler shall pay, in accordance with the applicable provisions of the said marketing agreement and order, is hereby fixed as the respective handler's pro rata share of the aforesaid expenses: $1.25 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period beginning February 1, 1953, and ending January 31, 1954, inclusive.

(c) Terms used in this section shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 22d day of April 1953 to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-3661; Filed, Apr. 24, 1953; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Amdt. 16]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125) sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120) and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117) § 76.26 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.26 *Notice and quarantine.* (a) Notice is hereby given that the conta-

gious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California;
Hartford, Litchfield, Middlesex and New Haven Counties, in Connecticut;
Escambia County, in Florida;
Androscoggin, Cumberland, Kennebec, Somerset, and York Counties, in Maine;
City of Baltimore, in Maryland;
Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth and Worcester Counties, in Massachusetts;
Macomb and Oakland Counties, in Michigan;
Jefferson and Pulaski Counties, in Missouri;
Clark County, in Nevada;
Bergen, Burlington, Camden, Cape May, Gloucester, Hudson, Hunterdon, Middlesex, Morris, and Ocean Counties, in New Jersey;
Clarkstown Township, in Rockland County, in New York;
Council Grove, Mustang, Oklahoma and Greeley Townships, in Oklahoma County in Oklahoma;
Bucks, Butler, Delaware, Lehigh and York Counties, in Pennsylvania;
Bristol, Kent, Providence, and Washington Counties, in Rhode Island;
Atascosa, Bexar and Dallas Counties, in Texas;
Pierce and Whatcom Counties, in Washington.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in said paragraph (a) of this section and the following additional areas in such States in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition:

Essex and Union Counties, in New Jersey;
Montgomery County, in Pennsylvania.

Effective date. This amendment shall become effective upon issuance. It includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Atascosa, Bexar and Dallas Counties, in Texas.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended, (17 F R. 10538, as amended) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Dyer County, in Tennessee.

Hereafter, none of the restrictions of the quarantine and regulation in 9 CFR Part 76, Subpart B, as amended, (17 F R. 10538, as amended) apply with respect to shipments of swine and carcasses, parts and offal of swine from this area.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C, 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 21st day of April 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-3657; Filed, Apr. 24, 1953; 8:51 a. m.]

[B. A. I. Order 371, Amdt. 4]

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS) AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

HAY; IMPORTATION FROM CANADA

Pursuant to the authority vested in the Secretary of Agriculture by section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111) § 95.21 of the regulations governing the sanitary control of animal byproducts (except casings) and hay and straw, offered for entry into the United States (9 CFR 95.21, as amended) is hereby amended in the following respects:

1. The introductory paragraph of § 95.21 is amended to read:

§ 95.21 *Hay and straw; requirements for unrestricted entry.* Hay or straw which does not meet the conditions or requirements of paragraph (a) (b) or (c) of this section shall not be imported except subject to handling and treatment in accordance with § 95.22 after arrival at the port of entry

2. Paragraph (d) of § 95.21 is hereby revoked. Such paragraph provides in effect that hay for use as feeding material produced in a certain area in Canada may be imported directly from such area without other restriction.

Under paragraph (a) of § 95.21, hay originating in and shipped directly from any portion of Canada has been eligible for importation without restriction since the date on which the Secretary of Agriculture declared that neither foot-and-mouth disease nor rinderpest now exists in Canada (18 F. R. 1225). Paragraph (d) of said section, therefore, has had no force or effect since that date. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 21st day of April 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-3656; Filed, Apr. 24, 1953; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 18-1]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

MAINTENANCE, REPAIRS, AND ALTERATIONS ON AIRCRAFT OR AIRCRAFT COMPONENTS BY CERTIFICATED AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of April 1953.

Presently effective § 18.10 of Part 18 of the Civil Air Regulations permits an appropriately certificated air carrier, which is not certificated as a repair station, to perform maintenance, repairs, and alterations on aircraft or aircraft components as provided for in its continuous airworthiness maintenance and inspection program and its maintenance manual. The general purpose of this provision was to enable an air carrier which desires to perform work only on air carrier aircraft to do so without the necessity that it obtain certification as a repair station. The language of § 18.10 (e) permits the air carrier to do such work as is provided for in its continuous airworthiness maintenance and inspection program and its maintenance manual. This language, in effect, limits the work to that performed on its own aircraft. In view of interchange agreements, contractual arrangements, and the exigencies which arise in the course of air carrier operations, it appears desirable that an appropriately certificated air carrier be authorized to perform maintenance, repairs, and alterations on aircraft and components owned and operated by another air carrier.

This amendment permits an appropriately certificated air carrier to perform maintenance, repairs, and alterations on aircraft and aircraft components owned or operated by another air carrier, provided such work is accomplished in accordance with the applicable continuous airworthiness maintenance and inspection programs and maintenance manual of such other air carrier. Revised Part 40 of the Civil

Air Regulations places primary responsibility for the airworthiness of aircraft and aircraft components upon the air carrier which operates the aircraft irrespective of whether the air carrier has made arrangements with any other person for the performance of maintenance and inspection. Although this amendment together with new Part 40 will permit an air carrier to make arrangements with another air carrier for the performance of its maintenance without the necessity for CAA approval of such arrangements, primary responsibility for airworthiness remains with the air carrier who operates the aircraft. With respect to operations conducted under presently effective Parts 41 and 42, the amendment will retain the present procedure of approval of such arrangements as provided in those parts.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 18 (14 CFR Part 18, as amended) effective immediately.

By amending paragraph (e) of § 18.10 to read as follows:

§ 18.10 *Persons authorized to perform maintenance, preventive maintenance, repairs, and alterations.* * * *

(e) An appropriately certificated air carrier may perform maintenance, repairs, and alterations on aircraft or aircraft components, including propellers and appliances, as provided for in its continuous airworthiness maintenance and inspection program, and its maintenance manual. It may also perform maintenance, repairs, and alterations on any aircraft or aircraft components, including propellers and appliances, owned or operated by another air carrier as provided for in the applicable continuous airworthiness maintenance and inspection program and maintenance manual of such other air carrier.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 605, 52 Stat. 1007, 1010; 49 U. S. C. 551, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-3688; Filed, Apr. 24, 1953; 8:57 a. m.]

Subchapter A—Civil Air Regulations

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Correction

In Federal Register Document 53-3452, published at page 2267 of the issue for Tuesday, April 21, 1953, the following changes should be made:

1. In the definition of *"Obstruction clearance area"* under § 40.5 the phrase "plain view" in the eighth line of (1) and in the seventh line of (2) should read "plan view"

2. In the sixth line of § 40.92 (a) "attitude" should read "altitude"

3. In the eighth line of § 40.114 "lourves" should read "louvres"

4. In § 40.124 the headnote should read *"Oil valves"*

5. In the first line of § 40.173 (b) (3) "on hand" should read "one hand"

6. The second line of § 40.202 (c) (2) should read "14,000 feet to and including 15,000 feet a"

7. In § 40.500 the phrase "Part 249 of this subchapter" should read "Part 249 of Subchapter B of this chapter (Economic Regulations)"

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 9]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 600 is amended as follows:

1. A new § 600.4 is added to read:

§ 600.4 *Directions of airways.* Green and red colored civil airways and even numbered VOR civil airways normally are designated in a westerly to easterly direction between their initial and final terminals, even though portions of such airways may deviate from the westerly to easterly direction between any two or more intermediate points. Amber and blue colored civil airways and odd numbered VOR civil airways normally are designated in a southerly to northerly direction between their initial and final terminals, even though portions of such airways may deviate from the southerly to northerly direction between any two or more intermediate points.

2. Section 600.624 is amended to read:

§ 600.624 *Blue civil airway No. 24 (El Centro, Calif., to Daggett, Calif.).* From the El Centro, Calif., radio range station via the intersection of the northwest course of the El Centro, Calif., radio range and the southeast course of the Thermal, Calif., radio range; Thermal, Calif., radio range station to the Daggett, Calif., radio range station.

3. Section 600.632 *Blue civil airway No. 32 (Pendleton, Oreg., to Talkeetna, Alaska)* is amended by deleting the portion which reads: "From the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range to the intersection of the northwest course of the Anchorage, Alaska, radio range and the northeast course of the Kenai, Alaska, radio range."

4. Section 600.643 is added to read:

§ 600.643 *Blue civil airway No. 43 (Delta Island, Alaska, to Willow, Alaska)* From the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill) Alaska, radio range via the intersection of the northwest course of the Anchorage, Alaska, radio range and the northeast course of the Kenai, Alaska, radio range to the intersection of the north course of the Anchorage (Merrill), Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range.

5. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Bangor, Maine)* is amended by changing the portion which reads: "the intersection of the Miami, Fla., omnirange 37° True and the West Palm Beach, Fla., omnirange 183° True radials;" to read: "the intersection of the Miami omnirange 060° True and the West Palm Beach omnirange 176° True radials;"

6. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended between Pendleton, Oreg., omnirange station and Gooding, Idaho, omnirange station to read: 'Pendleton, Oreg., omnirange station; Baker, Oreg., omnirange station; Boise, Idaho, omnirange station; intersection of the Boise omnirange 129° True and the Gooding 288° True radials; Gooding, Idaho, omnirange station;" and is also amended between Rock Springs, Wyo., omnirange station and Denver, Colo., omnirange station to read: "Rock Springs, Wyo., omnirange station; Cherokee, Wyo., omnirange station including a north alternate; Laramie, Wyo., omnirange station; Denver, Colo., omnirange station;"

7. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended between the Sacramento, Calif., omnirange station and the Lovelock, Nev., omnirange station to read: "Sacramento, Calif., omnirange station; intersection of the Sacramento omnirange 040° True and the Reno omnirange 268° True radials; Reno, Nev., omnirange station, including a south alternate between the Sacramento, Calif., omnirange station and the Reno, Nev., omnirange station via the intersection of the Sacramento omnirange 097° True and the Reno omnirange 268° True radials excluding that airspace lying between the boundaries of the main airway and the south alternate; Lovelock, Nev., omnirange station;"

8. Section 600.6025 *VOR civil airway No. 25 (Paso Robles, Calif., to Ellensburg, Wash.)* is amended after Oakland, Calif., omnirange station to read: "Oakland, Calif., omnirange station; intersection of the Oakland omnirange 330° True and the Ukiah omnirange 147° True radials; Ukiah, Calif., omnirange station, including a west alternate between the Oakland, Calif., omnirange station and the Ukiah, Calif., omnirange station via the intersection of the Oakland omnirange 305° True and the Ukiah omni-

range 162° True radials, to the Red Bluff, Calif., omnirange station."

9. Section 600.6118 is amended to read:

§ 600.6118 *VOR civil airway No. 118 (Rock River Wyo., to Cheyenne, Wyo.)* From the Rock River, Wyo., omnirange station via the Laramie, Wyo., omnirange station to the Cheyenne, Wyo., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. April 28, 1953.

[SEAL] F B. LEE,
Acting Administrator of Civil Aeronautics.

[F R. Doc. 53-3676; Filed, Apr. 24, 1953; 8:54 a. m.]

[Amdt. 8].

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 601 is amended as follows:

1. Section 601.102 is amended to read:

§ 601.102 *Amber civil airway No. 2 control areas (Long Beach, Calif., to Point Barrow, Alaska)* All of Amber civil airway No. 2 within the continental limits of the United States. From the intersection of the northwest course of the Snag, Yukon Territory, radio range and the United States-Canadian Border to a line extended at right angles through a point 50 miles northwest of the Fairbanks, Alaska, radio range station.

2. Section 601.643 is added to read:

§ 601.643 *Blue civil airway No. 43 control areas (Delta Island, Alaska, to Willow, Alaska.)* All of Blue civil airway No. 43.

3. Section 601.1138 is amended to read:

§ 601.1138 *Control area extension (Orlando, Fla.)* Within 5 miles either side of the northwest course of the Orlando radio range extending from the radio range station to a point 25 miles northwest; that airspace northeast of Orlando bounded on the south by a line 5 miles southeast of and parallel to the northeast course of the Orlando radio range, on the northeast by Amber civil airway No. 7 and on the northwest by Red civil airway No. 47, and all that airspace bounded on the north by Latitude 29°00'00" on the west by Tampa control area extension No. 1325, on the south by Latitude 27°45'00" and on the east and northeast by Blue civil airway No. 19 and the northwest course of the Orlando radio range.

4. Section 601.1286 is amended to read:

§ 601.1286 *Control area extension (Fort Worth, Tex.)* That airspace between Waco, Tex., Mineral Wells, Tex., and Ardmore, Okla., bounded on the northeast and east by Amber civil airway No. 4 and on the southwest and west by Blue civil airway No. 70; that airspace between Fort Worth, Mineral Wells and Wichita Falls, Tex., bounded on the east by Blue civil airway No. 70, on the south by Green civil airway No. 5, on the northwest by Blue civil airway No. 6 and on the northeast by Red civil airway No. 10; that airspace northeast of Fort Worth, Tex., bounded on the west by Amber civil airway No. 4, on the east by Blue civil airway No. 5, on the south by Green civil airway No. 5 and on the southwest by Red civil airway No. 10.

5. Section 601.1333 is added to read:

§ 601.1333 *Control area extension (Nome, Alaska)* Within 5 miles either side of the west and southwest courses of the Nome, Alaska, radio range extending from the radio range station to points 25 miles west and southwest.

6. Section 601.1984 *Five mile radius zones* is amended by deleting the following airport: Tanacross, Alaska. Tanacross Airport.

7. Section 601.2027 is amended to read:

§ 601.2027 *Dallas, Tex., control zone.* Within a 5-mile radius of Love Field, Dallas, Tex., within 2 miles either side of the 252° True radial of the Dallas omnirange extending from Love Field to the omnirange station, within 2 miles either side of the Love Field ILS localizer southeast course extending from the localizer to the intersection of the Love Field ILS southeast course and the 202° True radial of the Dallas omnirange, within 2 miles either side of the south course of the Dallas radio range extending from the radio range station to the Duncanville fan marker, and within 2 miles either side of the Love Field ILS northwest course extending from the localizer to the intersection of the Love Field ILS northwest course and the east course of the Fort Worth radio range.

8. Section 601.2298 is amended to read:

§ 601.2298 *Omaha, Nebr., control zone.* Within a 5-mile radius of Offutt AFB and within 2 miles either side of a direct line from the center of Offutt AFB to the Weeping Water, Nebr., nondirectional radio beacon extending from the Offutt AFB to a point 10 miles southwest of Offutt AFB.

9. Section 601.2322 is added to read:

§ 601.2322 *Fort Worth, Tex., control zone.* Within a 5-mile radius of Amon Carter Field, Fort Worth, Tex., within 2 miles either side of the Amon Carter ILS localizer northwest course extending from the localizer to the Amon Carter ILS outer marker, within 2 miles either side of a 180°–360° True track through the Grand Prairie, Tex., nondirectional radio beacon (located at Lat. 32°44'05", Long. 97°02'45") extending from Amon Carter Field to a point 5 miles south of the Grand Prairie nondirectional radio beacon, within 3 miles either side of a direct line from the center of Amon Carter Field to the center of Love Field, Dallas, Tex., extending from Amon Carter Field to the boundary of the Dallas control zone, and within 3 miles either side of a direct line from the center of Amon Carter Field to the center of Meacham Field, Fort Worth, Tex., extending from Amon Carter Field to the boundary of the Meacham Field control zone, excluding the portion in conflict with the Dallas caution area (C–213)

10. Section 601.2323 is added to read:

§ 601.2323 *Grand Prairie, Tex., control zone.* All that airspace surrounding Hensley Field, Grand Prairie, Tex., bounded on the west, north and east by the boundaries of the Amon Carter Field, Fort Worth, Tex., control zone and Dallas, Tex., control zone, and on the south by a line extending from the southeastern corner of the Amon Carter Field control zone to the southwestern corner of the Dallas control zone, excluding the portion in conflict with the Dallas caution area (C–213)

11. Section 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended after "Tuscon, Ariz., radio range station;" by adding the following reporting point: "Cochise, Ariz., radio range station;"

12. Section 601.4613 is amended to read:

§ 601.4613 *Blue civil airway No. 13 (Houston, Tex., to Minneapolis, Minn.)* Lufkin, Tex., non-directional radio beacon; Van Buren, Ark., non-directional radio beacon.

13. Section 601.4624 is amended to read:

§ 601.4624 *Blue civil airway No. 24 (El Centro., Calif., to Daggett, Calif.)* Thermal, Calif., radio range station; the intersection of the northwest course of the Thermal, Calif., radio range and the east course of the Riverside, Calif., radio range.

14. Section 601.4643 is added to read:

§ 601.4643 *Blue civil airway No. 43 (Delta Island, Alaska, to Willow, Alaska.)* No reporting point designation.

15. Section 601.4644 is amended to read:

§ 601.4644 *Blue civil airway No. 44 (Advance, Mo., to United States-Canadian Border.)* Kokomo, Ind., non-directional radio beacon; the intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range.

16. Section 601.6118 is amended to read:

§ 601.6118 *VOR civil airway No. 118 control areas (Rock River, Wyo., to*

Cheyenne, Wyo.) All of VOR civil airway No. 118.

17. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting points:

Bakersfield, Calif., omnirange station.
Blythe, Calif., omnirange station.
Brownsville, Tex., omnirange station.
Cochise, Ariz., omnirange station.
Corpus Christi, Tex., omnirange station.
Daggett, Calif., omnirange station.
Delta, Utah, omnirange station.
Fort Jones, Calif., omnirange station.
Gila Bend, Ariz., omnirange station.
Hassayampa, Ariz., omnirange station.
Laredo, Tex., omnirange station.
Las Vegas, Nev., omnirange station.
Lovelock, Nev., omnirange station.
Milford, Utah, omnirange station.
Modesto, Calif., omnirange station.
Ogden, Utah, omnirange station.
Reno, Nev., omnirange station.
Salt Lake City, Utah, omnirange station.
San Diego, Calif., omnirange station.
Thermal, Calif., omnirange station.
Tucson, Ariz., omnirange station.
Wells, Nev., omnirange station.
Wendover, Utah, omnirange station.
Yuma, Ariz., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.)

This amendment shall become effective 0001 e. s. t. April 28, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-3677; Filed, Apr. 24, 1953; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5964]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LENCO SPRING CO.[1]

Subpart—*Misbranding or mislabeling:* § 3.1265 *Old, secondhand, reclaimed or reconstructed product as new.* Subpart—*Misrepresenting oneself and goods; goods:* § 3.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1880 *Old, used, reclaimed, or reused as unused or new.* In connection with the offering for sale, sale and distribution of automobile springs in commerce, (1) offering for sale, selling or delivering to others for sale to the public, any automobile spring which is composed in whole or in part of previously used parts unless a disclosure that said automobile spring is composed, in whole or in part, as the case may be, of previously used parts, is permanently stamped or fixed on each such automobile spring in a clear and conspicuous manner and in such location as to be clearly legible to the purchaser thereof, and unless there is plainly printed or marked on the box, carton, wrapper or other container in which said automobile spring is sold or offered for sale, a notice that said automobile spring is composed, in whole or in part, as the case may be, of previously used parts; or, (2) representing, by failure to reveal or otherwise, that an automobile spring composed in whole or in part of previously used parts is composed entirely of new and previously unused parts; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Maurice J. Lenett et al. d. b. a. Lenco Spring Company, Worcester, Mass., Docket 5964, Jan. 15, 1953]

In the Matter of Maurice J. Lenett, and Leonard Stolzberg, Individuals, Doing Business as Lenco Spring Company

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, respondents' answers thereto, and hearings at which testimony and other evidence in support of and in opposition to the allegations of said complaint, were introduced before said examiner theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner, upon the complaint, answers thereto, testimony and other evidence, duly recorded and filed in the office of the Commission, proposed findings as to the facts and conclusions presented by counsel in support of the complaint (none such having been filed by the respondents) oral argument not having been requested; and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusions drawn therefrom,[2] and order to cease and desist.

Thereafter, following the Commission's review of said initial decision, the matter was disposed of by the Commission's "Decision of the Commission and order to file report of compliance", dated January 15, 1953, as follows:

This matter coming on to be heard by the Commission upon its review of the initial decision of the hearing examiner herein; and

The Commission having considered the entire record and being of the opinion that said initial decision is adequate and appropriate to dispose of the proceeding:

It is ordered, That the initial decision of the hearing examiner, copy of which is attached hereto,[2] shall on the 15th day of January 1953, become the decision of the Commission.

It is further ordered, That the respondents, Maurice J. Lenett and Leonard Stolzberg, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That respondents Maurice J. Lenett and Leonard Stolzberg, individually and doing business as Lenco Spring Company, or doing business under any other name or names, jointly or severally, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of automobile springs in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or delivering to others for sale to the public, any automobile spring which is composed in whole or in part of previously used parts unless a disclosure that said automobile spring is composed, in whole or in part, as the case may be, of previously used parts, is permanently stamped or fixed on each such automobile spring in a clear and conspicuous manner and in such location as to be clearly legible to the purchaser thereof, and unless there is plainly printed or marked on the box, carton, wrapper or other container in which said automobile spring is sold or offered for sale, a notice that said automobile spring is composed, in whole or in part, as the case may be, of previously used parts.

2. Representing, by failure to reveal or otherwise, that an automobile spring composed in whole or in part of previously used parts is composed entirely of new and previously unused parts.

Issued: January 15, 1953.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-3652; Filed, Apr. 24, 1953; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53243]

PART 3—DOCUMENTATION OF VESSELS

MARINE DOCUMENTS; EXECUTION OF

The purpose of the following amendment is to delete the requirement that certificates of registry shall bear the seal of the Bureau of Customs and the signature of the Commissioner of Customs.

Section 3.7, Customs Regulations of 1943 (19 CFR 3.7), is amended to read as follows:

§ 3.7 *Marine documents; execution of.* All marine documents shall be signed and sealed by the collector before being issued.

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3. Interprets or applies R. S. 4157, as amended, 4168, as amended; 46 U. S. C. 27, 23)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: April 21, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-3679; Filed, Apr. 24, 1953; 8:54 a. m.]

[1] On March 18, 1953, respondents filed their petition to review the Commission's order in the Court of Appeals for the District of Columbia.

[2] Filed as part of the original document.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 203—TITLE I MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

REVOCATION OF CERTAIN CONTROLS

Part 203 is hereby amended by striking out §§ 203.20a and 203.20b.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703g. Interpret or apply sec. 102, 64 Stat. 48; 12 U. S. C. 1706c)

Issued at Washington, D. C., April 21, 1953.

GUY T. O. HOLLYDAY,
Federal Housing Commissioner

[F. R. Doc. 53-3642; Filed, Apr. 24, 1953; 8:48 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

REVOCATION OF CERTAIN CONTROLS

Part 221 is hereby amended by striking out §§ 221.30 and 221.31.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., April 21, 1953.

GUY T. O. HOLLYDAY,
Federal Housing Commissioner

[F. R. Doc. 53-3641; Filed, Apr. 24, 1953; 8:48 a. m.]

Subchapter D—Multifamily and Group Housing Insurance

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

MISCELLANEOUS AMENDMENTS

1. Section 241.4 (a) is hereby amended to read as follows:

(a) A mortgage executed by a mortgagor of the character described in § 241.16 (a) (1) may involve a principal obligation not exceeding $5,000,000 and not in excess of $8,100 per family unit (or $7,200 per family unit if the number of rooms in such property or project does not equal or exceed 4 per family unit) for such part of such property or project as may be attributable to dwelling use, except that if the Commissioner finds that the needs of individual members of a corporation or individual beneficiaries of the trust could be more adequately met by per room limitations, the mortgage may involve an obligation in an amount not to exceed $1,800 per room for such part of such project as is to be occupied by such members or beneficiaries; and not in excess of 90 percent of the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed improvements are completed: *Provided,* That such maximum dollar amount shall be increased by $4.50 per family unit or $1 per room, as the case may be, for each 1 percent of the membership of the corporation or number of beneficiaries of the trust which consists of veterans of World War II and such maximum ratio of loan to cost shall be increased by 1/20th of 1 percent for each 1 percent of the membership of the corporation or number of beneficiaries of the trust which consists of veterans of World War II, if evidence satisfactory to the Commissioner is furnished to establish that the benefits of such increase will accrue to the members of the corporation or beneficiaries of the trust who are veterans of World War II in the form of the elimination of the down payment which the corporation or trust would otherwise require in order to supply the difference between the amount of the mortgage loan and the estimated replacement cost of the property or project; or if at least 65 percent of the membership of the corporation or number of beneficiaries of the trust consists of veterans of World War II, the mortgage may involve a principle obligation not to exceed $8,550 per family unit (or $7,650 per family unit if the number of rooms in such property or project does not equal or exceed 4 per family unit) or $1,900 per room, as the case may be, and not to exceed 95 percent of the amount which the Commissioner estimates as the replacement cost of the property or project when the proposed improvements are completed.

2. Part 241 is hereby amended by striking out §§ 241.15a and 241.15b.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, 64 Stat. 54; 12 U. S. C. 1715e)

Issued at Washington, D. C., April 21, 1953.

GUY T. O. HOLLYDAY,
Federal Housing Commissioner

[F. R. Doc. 53-3639; Filed, Apr. 24, 1953; 8:48 a. m.]

PART 242—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

REVOCATION OF CERTAIN CONTROLS

Part 242 is hereby amended by striking out § 242.18a.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, 64 Stat. 54; 12 U. S. C. 1715e)

Issued at Washington, D. C., April 21, 1953.

GUY T. O. HOLLYDAY,
Federal Housing Commissioner

[F. R. Doc. 53-3640; Filed, Apr. 24, 1953; 8:48 a. m.]

Subchapter H—War Housing Insurance

PART 276—WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

REVOCATION OF CERTAIN CONTROLS

Part 276 is hereby amended by striking out §§ 276.28b and 276.28c.

(Sec. 607, 55 Stat. 61; 12 U. S. C. 1742)

Issued at Washington, D. C., April 21, 1953.

GUY T. O. HOLLYDAY,
Federal Housing Commissioner

[F. R. Doc. 53-3645; Filed, Apr. 24, 1953; 8:49 a. m.]

PART 278—WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE UNDER SECTION 603 PURSUANT TO SECTION 610 OF THE NATIONAL HOUSING ACT

REVOCATION OF CERTAIN CONTROLS

Part 278 is hereby amended by striking out §§ 278.20b and 278.20c.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 603, as added by sec. 1, 55 Stat. 50, as amended; 12 U. S. C. and Sup., 1738)

Issued at Washington, D. C., April 21, 1953.

GUY T. O. HOLLYDAY,
Federal Housing Commissioner

[F. R. Doc. 53-3646; Filed, Apr. 24, 1953; 8:49 a. m.]

Subchapter K—Single-Family Project Loans, War Housing Insurance

PART 287—ELIGIBILITY REQUIREMENTS OF PROJECT MORTGAGE COVERING GROUP OF SINGLE-FAMILY DWELLINGS

REMOVAL OF TEMPORARY LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Part 287 is hereby amended by striking out § 287.27a.

(Sec. 607, 55 Stat. 61; 12 U. S. C. 1742)

Issued at Washington, D. C., April 21, 1953.

GUY T. O. HOLLYDAY,
Federal Housing Commissioner

[F. R. Doc. 53-3643; Filed, Apr. 24, 1953; 8:48 a. m.]

PART 288—ELIGIBILITY REQUIREMENTS OF INDIVIDUAL MORTGAGE COVERING PROPERTY RELEASE FROM LIEN OF PROJECT MORTGAGE

REVOCATION OF CERTAIN CONTROLS

Part 288 is hereby amended by striking out § 288.21a.

(Sec. 607, 55 Stat. 61; 12 U. S. C. 1742)

Issued at Washington, D. C., April 21, 1953.

GUY T. O. HOLLYDAY,
Federal Housing Commissioner

[F. R. Doc. 53-3644; Filed, Apr. 24, 1953; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6003; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INCOME FROM DISCHARGE OF INDEBTEDNESS

Correction

In Federal Register Document 53-3016, appearing at page 1937 of the issue for Wednesday, April 8, 1953, amendatory paragraphs 6 and 7 (A) should read as follows:

PAR. 6. Section 29.113 (b) (3)-1 as amended by Treasury Decision 5402, approved September 5, 1944, is further amended by inserting immediately following paragraph (e) (6) the following subparagraph (7)

(7) Effective with respect to a discharge of indebtedness occurring within a taxable year ending after December 31, 1950, except in the case of a consent filed prior to the effective date of the Treasury decision which adds this subparagraph (7) to the regulations, any reduction in basis which remains to be taken (by reason of an exclusion from gross income under section 22 (b) (9)) after the application of (1) shall be applied first against property of a character subject to the allowance for depreciation under section 23 (1) property with respect to which a deduction for amortization is allowable under section 23 (t), and property with respect to which a deduction for depletion is allowable under section 23 (m) (but not including property specified in section 114 (b) (2) (3) or (4)) in the order in which such property is described in paragraphs (b) and (c) of this section. Any further adjustment in basis required to be made under section 22 (b) (9) shall be applied against other property in the order prescribed in paragraphs (b) (c) and (d) of this section.

PAR. 7. Section 29.113 (b) (3)-2 is amended as follows:

(A) By inserting immediately after the second sentence of paragraph (a) thereof the following: "Such adjustment, however, shall be consistent with the principles of § 29.113 (b) (3)-1 (e) (7) where the discharge of indebtedness occurs within a taxable year ending after December 31, 1950."

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-80, Schedule A, as Amended April 24, 1953]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

SCHEDULE A—NICKEL-BEARING STAINLESS STEEL, HIGH NICKEL ALLOY, NICKEL SILVER, AND PERMANENT MAGNETS CONTAINING NICKEL

This schedule, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended schedule, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This amended schedule is issued under NPA Order M-80 and is made a part of that order. Schedule 1 of NPA Order M-80 subjects nickel to allocation and prohibits the use of nickel in nickel-plating in the manufacture and assembly of certain products.

EXPLANATORY

Schedule A to NPA Order M-80, as last amended December 17, 1952, is rewritten to eliminate certain obsolete portions thereof. In the interest of simplification, the list of prohibited products appearing at the end of the schedule is alphabetically rearranged. Certain products which have heretofore not been approved for melting on submitted Forms NPAF-60, have been added to the list and such products are identified by asterisks. A new list of prohibited uses for permanent magnets containing nickel has also been added.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Products and uses prohibited.
3. Exceptions.
4. Certification required.
5. Records.
6. Communications.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Definitions.* As used in this schedule:

(a) "Nickel-bearing stainless steel" means stainless steel as defined in section 2 (d) (2) of NPA Order M-80, wrought, cast, or sintered containing 1 percent or more of nickel. (Although clad steels, including nickel-bearing stainless-clad, for the purposes of other NPA regulations and orders, are included within the definition of alloy steel, for the particular purposes of this schedule the term nickel-bearing stainless steel shall be deemed to include nickel-bearing stainless-clad steel.)

(b) "High nickel alloy" means ferrous and nonferrous alloys, wrought or cast, containing more than 22 percent nickel.

(c) "Nickel silver" means nonferrous alloys, wrought or cast, containing 8 percent or more nickel.

SEC. 2. *Products and uses prohibited.* (a) Subject to the exceptions contained in section 3 of this schedule and to any exceptions stated in List A, appearing at the end of this schedule, no person shall use any nickel-bearing stainless steel, high nickel alloy, or permanent magnet containing nickel, or any component parts made therefrom, in the production, manufacture, or assembly of any product contained in List A.

(b) No person shall use any nickel silver, or any component parts made therefrom, in the production, manufacture, or assembly of any product other than those products contained in List B of this schedule.

(c) No person shall use nickel-bearing stainless steel, high nickel alloy, or nickel silver for decorative or ornamental purposes.

SEC. 3. *Exceptions.* (a) Notwithstanding that a product may be contained in the list at the end of this schedule under the subheading A-I, the prohibition contained in section 2 (a) of this schedule shall not apply if any such product is manufactured exclusively for use on board vessels and aircraft operated by the Armed Forces of the United States, including the United States Coast Guard.

(b) Notwithstanding that a product may be contained in the list under the subheading A-I or A-II, the prohibition contained in section 2 (a) of this schedule shall not apply to springs incorporated into any product under such subheadings if the requirements of heat- or corrosion-resistance in combination with actual spring qualities are essential to the proper performance of the equipment involved.

(c) Notwithstanding that a product may be contained in the list under the subheading A-I, the prohibition contained in section 2 (a) of this schedule with reference to the use of nickel-bearing stainless steel, shall not apply to heating-element sheathing and supports, thermostatic controls, or mechanical refrigeration cycles incorporated into any product under such subheading.

(d) Notwithstanding that a product may be contained in the list under the subheading A-II, the prohibition contained in section 2 (a) of this schedule with reference to the use of high nickel alloy, shall not apply to heating elements, thermostatic controls, or mechanical refrigeration cycles incorporated into any product under such subheading.

(e) The prohibitions contained in section 2 of this schedule with respect to products identified by an asterisk included in List A of this schedule, shall not apply to the use of nickel-bearing stainless steel or high nickel alloy, or any component parts made therefrom, if any such materials were contained in such person's inventory on April 24, 1953, or are on order and have been accepted by the producer for January 1953 production and are received in such person's inventory prior to June 1, 1953. This exception is applicable only to the extent that such materials are wholly unsuitable for use in the production, manufacture, or assembly by such person of any product not included in List A.

SEC. 4. *Certification required.* Any person who orders, or who has ordered but not received delivery of, any nickel-bearing stainless steel, high nickel alloy, or permanent magnets containing nickel, from a melter or processor, or from a further converter as defined in section 2 (o) of NPA Order M-1, shall endorse on his purchase order, or deliver with

such purchase order or otherwise furnish to his supplier, the following certification which shall be signed as provided in NPA Reg. 2:

Certified under NPA Order M–80

This certification constitutes a representation by the purchaser to the melter, processor, or further converter, and to NPA that the nickel-bearing stainless steel, high nickel alloy, or permanent magnets containing nickel ordered will not be used by the purchaser in violation of any provision of NPA Order M–80 or of any schedule thereto.

SEC. 5. *Records.* Every person who relies on the provisions of paragraph (e) of section 3 of this schedule shall prepare a detailed record showing: (a) The quantities of nickel-bearing stainless steel or high nickel alloy, or component parts made therefrom which were in his inventory on April 24, 1953, which were wholly unsuitable for use by him in the production, manufacture, or assembly of any product not included in List A–I or A–II at the end of this schedule, and (b) the quantities of such materials wholly unsuitable for such use by him which are delivered to him on or after April 24, 1953, and received by him prior to June 1, 1953; the names and addresses of the suppliers thereof; and the dates of the orders and acceptances covering such materials, together with applicable mill schedules. Such records shall be retained for at least 3 years and shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

SEC. 6. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority Washington 25, D. C., Ref: NPA Order M–80, Schedule A.

This schedule, as amended, together with Lists A and B which are a part of this schedule, shall take effect April 24, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W AUXIER,
Executive Secretary.

SCHEDULE A—LIST OF PRODUCTS

(*Explanatory note:* Each item listed applies to all types of that item, unless herein modified. For example, "counters" or "cabinets" applies to all types of counters and cabinets, such as those used in laboratories, kitchens, hospitals, for industrial or institutional purposes, etc.)

A

I—NICKEL-BEARING STAINLESS STEEL (INCLUDING NICKEL-BEARING STAINLESS-CLAD STEEL)—PRODUCTS PROHIBITED

Air-conditioning systems, including but not limited to air diffusers and air intake boxes.
Appliances, household.
Architectural applications.
Ash trays
Badges.
Bails and handles.
Barbecue grills and accessories.
Bar equipment.
Beer barrels.
Binders (index books).
Boats (pleasure craft).
Brick anchors.
Buckets, except under extremely corrosive conditions.
Building materials, including but not limited to louvers, roofing, leaders, air ducts, etc.
Bumpers, automotive.
*Burner equipment (for domestic heating systems), except for oil filter screens, automatic gas pilots, nozzle tips for oil burners and flame spreaders.
Buttons and button parts, except safety clothing.
Cabinets, all types.
*Cages, animal and bird.
Cake and pie dishes.
Cake servers.
Cameras.
Canisters.
*Carts, except those parts intentionally in contact with corrosive media.
Chains, key, watch, and novelty.
Chart carriers, holders, and racks.
*Chemical processing equipment, except those parts intentionally in contact with corrosive products.
Cheese slicers.
Chutes, coal, laundry, mail, container and package.
Cigarette lighters.
Cleaners, barn, and all other types.
Cleaning and scouring sponges.
Clothes driers, domestic.
*Coal screens.
Cocktail shakers and accessories.
Coffee urns, coffee makers, and coffee holders.
Coin receptacles, boxes, collectors, and slots.
Collars, pet.
*Confectionery equipment, except those parts intentionally in contact with confectionery products, where alternate materials are not practicable.
Construction materials, including but not limited to louvers, roofing, leaders, air ducts, etc.
Containers, pill and novelty.
Cookie sheets.
Cooking equipment, commercial.
Cooking racks.
Cooking range and table pads.
Cooking utensils and allied equipment.
Coolers, food, beverage, etc.
*Cosmetic equipment.
*Cotter pins.
Counters.
Cups and cup holders.
Curtain walls, construction.
Deodorizers.
Dial charts, reading faces, and cases of weighing scales.
Dials.
Diaper pins.
Dishes.
*Dishwashing machines, except detergent (concentrate) tanks.
Dispensing systems, except for carbonators, carbonated water cooling units, syrup pumps, and fittings.
Display cases.
Doors.
Dough retarders.
Down spouts, gutters, flashings, and accessories.
Drafting instruments.
Drainboards.
Drinking cups.
Drinking fountains.
Egg beaters.
Elevator cabs.
Emblems and plaques.
Ensilage cutters.
Erasing shields.
*Exhaust systems, internal combustion engines, except manifolds and tube to muffler.
Fans.
Feeding troughs, agricultural.
*Fencing and posts.
Ferrules.
Fertilizer spreading equipment.
Fishing tackle, except commercial.
*Fixtures, bathroom.
Flasks, beverage and perfume.
Flatware.
Floor waxers and polishers.
*Flue liners.
Food conveying equipment, commercial, except for those parts intentionally in contact with food products where noncorrosive and noncontaminating properties are essential and where alternate materials are not practicable.
Food preparing equipment, commercial.
*Food processing equipment, commercial, except those parts intentionally in contact with the product, including but not limited to such items as bakery, beverage, meat, milk, and products derived therefrom.
Food servicing and serving equipment, commercial, except containers for steam tables.
Food-serving trays, including compartment mess trays.
Fountainettes.
Freezers, home and farm.
Frozen food cabinets.
*Funnels.
Furniture.
Galleys.
Garbage cans, waste containers.
Garden accessories.
Grain bins and cribs.
Grilles and registers.
*Grills.
Handles and bails.
Handrails.
Hand tools.
Hanger rods and wire for suspended ceiling construction.
Hardware, automotive, builders' finishing, cabinets, household, etc.
Harnesses.
*Heaters, space and water, except those parts in contact with products of combustion over 900 degrees Fahrenheit.
Heating-element pans.
Holders, paper cup.
*Hollow ware.
*Hoppers, coal.
Horn rings, automotive.
Hose clamps.
Hospital equipment, including but not limited to operating tables, instrument stands, waste receptacles, drying racks, hydrotherapy tanks, etc., but not including the following: urinals, bedpans, solution basins, instrument trays, and emesis basins.
Hubcaps.
Humidifiers.
Ice cream molds.
Ice cube makers.
Ice shaver blades.
Identification tags.
Insect screens.
Instrument cases and dials.
Ironing boards.
Irons and ironing machines.
Jewelry, except watch cases.
Kick plates, push plates, and panels, all types.
Kitchen tools, kitchen ware, and utensils.
Knives.
Lamps, portable electric.
Laundry equipment, commercial, except washer shells and cylinders, dryer extractor baskets, starch cooker wells.
Laundry equipment, domestic.
Leashes.
Letters and signs.
Lighting equipment.
Lightning rods.
Louvers.
*Meters, except where alternate materials are not practicable.
Manicuring accessories.
Mirrors and clips.
Moldings, construction.
Morticians' equipment.
*Musical instruments and accessories, including strings.
Nails.
Name plates.
Novelties.

Organs, except cable sheathing.
Pails, except under extremely corrosive conditions.
Paint brush ferrules and rivets.
Panels and scuff plates.
*Paper, paper board, and pulp machinery and equipment, except first effect black liquor evaporators, doctor blades on Yankee driers, winding rods, and wire on cylinder molds in bleach plant and black liquor washers, and those parts intentionally in contact with products of a pH value of 3.5 or less, or parts in contact with hot acids, or alkalies where temperature is 150 degrees Fahrenheit or over.
Pencils.
Pens, except those parts intentionally in contact with ink.
Permanent-wave equipment.
*Pharmaceutical equipment except for those parts intentionally in contact with pharmaceutical products where noncorrosives and noncontaminating properties are essential and where alternate materials are not practicable.
Phonograph needles.
Pitchers.
*Plumbing fixtures.
*Pocketbook frames.
Pole-line guy wires.
Pole-line hardware.
Pot cleaners.
*Printing trades equipment, except those parts in contact with ink.
*Processing equipment, except those parts intentionally in contact with products where noncorrosive and noncontaminating properties are essential and where alternate materials are not practicable.
Racks.
Radiator enclosures.
Radio antennae, except military.
Radio towers.
Railings.
Railroad passenger cars.
Refrigeration systems.
Refrigerator evaporators.
Refrigerators.
*Registers, heating and ventilating systems.
Reservoirs, water.
Rigging, pleasure craft.
Roofing.
Rulers.
Safety pins.
Sandwich units.
Scales, weighing, charts, faces, and cases.
Screens, except in extractive or manufacturing industries where alternate materials are not practicable.
Seats and stanchions.
Sewing machines.
Shakers, such as salt, pepper, cocktail, etc.
Sheathing, building.
Shelves.
Shovels, except food and chemical.
Signs or parts thereof.
Silos.
Sinks, except commercial photographic.
Slicers, cheese, meat, etc.
Soda fountains.
*Sorters and graders.
Spandrels, building.
Sponges, cleaning and scouring.
Sporting goods.
Spreaders, agricultural.
Stacks and shafts, ventilating and exhaust, except for chemically corrosive fumes where alternate materials are not available.
Stair treads.
Staples.
Steering wheel spokes and rings.
*Sterilizers, except for steam jacket parts of hospital pressure-type sterilizers and nonpressure instrument utensil sterilizers.
Storefronts.
Strapping and banding wire or strip.
*Stretchers and litters.
Stoves and ranges, except industrial.
*Structural displays (billboards).
*Sugar bowls and dispensers.
Tables and tops.
Tags.
Tanks, hydrotherapy.
Temple cores in plastic frames of corrective spectacles and sunglasses.
*Textile machinery, except those parts intentionally in contact with corrosive materials where noncorrosive and noncontaminating properties are essential and where alternate materials are not practicable.
Toasters.
*Tools, hand, implements.
Tooth brushes.
Toys.
Transmission tower baskets.
Trays, food serving, including compartment mess trays.
Trim and decorative parts.
Truck and trailer bodies or tanks, except those parts in actual contact with food or other products where noncorrosive and noncontaminating properties are essential and where alternate materials are not practicable.
Tubs, except under extremely corrosive conditions.
Utility cans.
Utensils, cooking, and kitchen tools.
Vacuum cleaners.
Vending machines, except those parts intentionally in contact with food.
Waffle irons.
*Washers (hardware).
Washing machines.
Waste baskets, containers, and receptacles.
*Watchbands, except interskeleton of expansion watchbands.
Water-softener tanks.
Weather stripping.
Wheel rims, wheel covers.
Windshield wiper assemblies.
Window frames, assemblies, and accessories.

II—HIGH NICKEL ALLOY—PRODUCTS PROHIBITED

All products under subhead A–I, except as modified in this list.
Battery cables.
Bits.
Cleaning machines, rug.
Confectionery equipment.
Condenser tubing, dry cleaning.
Dish washing machine.
Dispensing systems, including syrup, malt, carbonated and noncarbonated beverage, water cooling units, and soap.
Dry cleaning equipment, except those parts where corrosion and abrasion resistance is necessary and where alternate materials are not practicable.
Electrical appliance heating element sheathing, except for over 1,500 degrees Fahrenheit operating temperatures of outside metal surface.
Filters, solvent pressure, including filter cloth—dry cleaning.
*Fishing equipment.
Food conveying, preparing, processing, servicing, and serving equipment.
Garbage grinder parts.
Gaskets, exhaust, except for military vehicles.
*Heaters, space and water.
Hospital equipment.
Hot water heater tanks and coils, except where extremely corrosive water conditions result in service life of less than 3 years when other materials are used.
Jewelry, including watch cases.
Laundry equipment.
Lint trap—dry cleaning.
Manifolds, exhaust.
Pads for dry cleaning presses and tailors' presses.
*Paper, paper board, and pulp, black liquor evaporators.
*Pens.
Pharmaceutical equipment.
Pins, rug pole—laundry.
Printing trade equipment.
Radio antennae.
Spotting boards—dry cleaning.
Spurs.
Steam-jacketed kettle.
Sterilizers, except for sterilizing chamber and component parts, back head, end, ring, and door in pressure-type hospital sterilizers.
Tanks, sump, soap and water storage.
Truck and trailer bodies or tanks.
Utensils.
Vending machines.
Valves, piping and fittings—dry cleaning.
Watches, including but not limited to movement holders, crowns, cases, and bands.
Water separators—dry cleaning.
*Welding rods (above 60 percent nickel) for cast iron.

III—NICKEL PROHIBITED IN PERMANENT MAGNETS (EXCEPT WHEN MADE FROM HIGH CONTAMINATED SCRAP) WHEN MAGNETS ARE TO BE USED FOR—

Coin rejectors for juke boxes.
Door locks.
Games, including pin ball machines, slot machines, and all other types of gambling devices.
Key holders.
Knife holders.
Model electric trains.
Musical instruments.
Novelties.
Pad holders.
Pencil holders.
Pot holders.
Tool holders.
Toys.
Trout fly hooks and boxes.

B

NICKEL SILVER—PRODUCTS PERMITTED

Camera shutters, not over 10 percent nickel.
Clock movements, not over 10 percent nickel.
Communications equipment, functional parts.
Cutlery, including pocket knives (for rivets and lining assemblies), not over 10 percent nickel.
Dairy equipment, only where alternate materials are not practicable.
Electrical equipment, functional parts.
Eyelets and rivets, not over 10 percent nickel.
Fasteners, slide, not over 12 percent nickel.
Flatware, not over 10 percent nickel.
Fountain pen separate inner cap and pressure bar, not over 10 percent nickel.
Hollow ware for hotel, restaurant, institutional or ecclesiastical use, not over 10 percent nickel.
Hospital equipment, where alternate materials are not practicable, not over 10 percent nickel.
Instruments, drafting and engineering, not over 10 percent nickel.
Jewelry parts as follows: catches, joints, pins and posts, not over 10 percent nickel.
Medallions and chains, religious, not over 10 percent nickel.
Meters, fluid or gas, where alternate materials are not practicable.
Military heraldic insignia prongs.
Musical instrument parts, scrap only, not over 15 percent nickel, as follows:
  Flute and piccolo bodies.
  Fret wire.
  Hinge rods and tubing.
  Keys.
  Pad cups and arm castings for woodwind instruments.
  Posts and rings.
  Pistons.
  Trombone inside slides.
Optical goods, not over 10 percent nickel.
Orthopedic appliances, not over 12 percent nickel.
Oxyacetylene torch gas carrying tubes, not over 10 percent nickel.
Regulators for fluids or gas, where alternate materials are not practicable.
Rivets, not over 10 percent nickel.
Spectacles, corrective.
Springs, where required for functional purposes, not over 12 percent nickel.

Sunglasses, opthalmic, metal frames, not over 10 percent nickel.
Sunglasses, plastic, hinges only, not over 10 percent nickel.
Valves and fittings for chemicals, where alternate materials are not practicable.
Watch cases, not over 10 percent nickel.
Watch movements, not over 10 percent nickel.

[F. R. Doc. 53-3748; Filed, Apr. 24, 1953; 10:18 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 46 to Schedule B]

[Rent Regulation 2, Amdt. 47 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

CERTAIN STATES

Effective April 25, 1953, Rent Regulation 1—Housing and Rent Regulation 2—Rooms are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 22d day of April 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. The following items are deleted from Schedule B of Rent Regulation 1. 4, 8 and 84.

2. The following items are deleted from Schedule B of Rent Regulation 2: 4, 8, 13, 91 and 92.

The deletion of the items specified above from Schedule B of Rent Regulation 1 and Rent Regulation 2 is based on the decontrol of the territory to which they pertained.

[F. R. Doc. 53-3682; Filed, Apr. 24, 1953; 8:55 a. m.]

[Rent Regulation 1, Amdt. 133 to Schedule A]

[Rent Regulation 2, Amdt. 131 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ARIZONA, IOWA AND OHIO

Effective April 25, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedules A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 22d day of April 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Arizona				
(13)		[Revoked and decontrolled.]		
Iowa				
(113)		[Revoked and decontrolled.]		
Ohio				
(229) Newark	B	In LICKING COUNTY, the city of Newark	Mar. 1, 1942	May 1, 1953

These amendments decontrol all of the Fort Huachuca, Arizona, and Cedar Rapids, Iowa, Defense-Rental Areas by reason of the joint determination and certification by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, that the Defense-Rental Areas are no longer included within a critical defense housing area.

These amendments also decontrol the following in what heretofore has been known as the Columbus, Ohio, Defense-Rental Area (changed by these amendments to the Newark, Ohio, Defense-Rental Area)

(1) The City of Columbus in Franklin County Ohio, based on a resolution submitted by said city under section 204 (j) (3) of the act; and

(2) All unincorporated localities in the defense-rental area under section 204 (j) (3) of the act, the City of Columbus being the major portion of the defense-rental area; and

(3) All remaining incorporated localities in the defense-rental area except the City of Newark in Licking County, Ohio, on the initiative of the Acting Director of Rent Stabilization under section 204 (c) of the act.

[F. R. Doc. 53-3680; Filed, Apr. 24, 1953; 8:54 a. m.]

[Rent Regulation 3, Amdt. 20 to Schedule B]

RR 3—HOTELS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

OHIO

Effective April 25, 1953, Rent Stabilization 3 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 22d day of April 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

Item 21 of Schedule B is deleted.

The deletion of item 21 from Schedule B is based on the decontrol of Franklin County, Ohio, to which the item pertained.

[F. R. Doc. 53-3683; Filed, Apr. 24, 1953; 8:55 a. m.]

[Rent Regulation 3, Amdt. 127 to Schedule A]

[Rent Regulation 4, Amdt. 70 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ARIZONA, IOWA, AND OHIO

Effective April 25, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedules A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 22d day of April 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. Item 113 in Schedule A of Rent Regulation 4, is amended to read as follows:

(113) [Revoked and decontrolled.]

2. Items 13 and 229 in Schedules A of Rent Regulation 3 and Rent Regulation 4, are amended to read as follows:

(13) [Revoked and decontrolled.]
(229) [Revoked and decontrolled.]

These amendments decontrol all of the Fort Huachuca, Arizona, and Cedar Rapids, Iowa, Defense-Rental Areas by reason of the joint determination and certification by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, that the said defense-rental areas are no longer included within a critical defense housing area.

These amendments also decontrol the Columbus, Ohio, Defense-Rental Area as follows:

(1) The City of Columbus in Franklin County, Ohio, based on a resolution submitted by said city under section 204 (j) (3) of the act; and

(2) All unincorporated localities in the defense-rental area under section 204 (j) (3) of the act, the City of Columbus being the major portion of the defense-rental area, and

(3) All remaining incorporated localities in the defense-rental area, on the initiative of the Acting Director of Rent Stabilization under section 204 (c) of the act.

[F. R. Doc. 53-3681; Filed, Apr. 24, 1953; 8:55 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

LOS ANGELES AND LONG BEACH HARBORS, CALIF.

Pursuant to the provisions of section 1 of the act of April 22, 1940 (54 Stat. 150; 33 U. S. C. 180) paragraph (d) of § 202.100 establishing special anchorage A–4 in Los Angeles Harbor, California, is hereby revoked, as follows:

§ 202.100 *Los Angeles and Long Beach Harbors, Calif.* * * *

(d) *Area A–4.* [Revoked.]

[Regs., April 6, 1953–ENGWO] (54 Stat. 150; 33 U. S. C. 180)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-3630; Filed, Apr. 24, 1953; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 151—PROCEDURES BEFORE THE SOLICITOR

ISSUANCE OF PERMIT

Amend § 151.101 *Issuance of permit* to read as follows:

§ 151.101 *Issuance of permit.* If the Solicitor is satisfied from the evidence transmitted that the application should be granted he shall issue an appropriate order. The order granting the applicant permission to receive through the mails specimens of diseased tissue as above set forth shall be directed to the postmaster at the office serving the applicant. A copy of the order shall be furnished to the applicant. The applicant shall also be advised that the original permit has been transmitted to the postmaster.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716)

[SEAL] ROSS RIZLEY,
Solicitor.

[F. R. Doc. 53-3647; Filed, Apr. 24, 1953; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular 1815, Amdt. 1]

PART 71—MINERAL LANDS: OIL AND GAS, PHOSPHATE, OIL SHALE LEASES, POTASH AND SODIUM PERMITS AND LEASES

SCHOOL SECTIONS; CORRECTION

APRIL 20, 1953.

Paragraph 3 of Circular No. 1815 of April 30, 1952, 17 F. R. 4207, May 7, 1952, is corrected to amend § 71.3 instead of § 71.12.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 53-3637; Filed, Apr. 24, 1953; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

REVOCATION OF STATION LICENSES AND CONSTRUCTION PERMITS AND ISSUANCE OF CEASE AND DESIST ORDERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of April 1953;

The Commission having under consideration the establishment of a procedure to be followed in instituting proceedings for revocation of station licenses and construction permits and the issuance of cease and desist orders consistent with the provisions of the Communications Act Amendments, 1952:

It appearing, that section 312 of the Communications Act as amended by Public Law 554, 82d Congress, 2d Session, which became effective July 16, 1952, prescribes a new procedure for revocation of station licenses and construction permits and authorizes the Commission to issue orders directing any person to cease and desist from violating the Communications Act, or the rules of the Commission; and

It further appearing, that before revoking a station license or construction permit, or issuing a cease and desist order, the Commission must serve upon the licensee, permittee or person involved an order to show cause why an order of revocation or a cease and desist order should not be issued, which order to show cause must call upon the licensee, permittee or person to appear before the Commisson at a time and place stated in the order and give evidence upon the matter specified therein; and

It further appearing that under the provisions of the amended section 312, if after hearing upon such show cause order, or a waiver thereof, the Commission determines that an order of revocation or a cease and desist order should issue, it shall issue such order; and

It further appearing, that the aforesaid amendment of section 312 necessitates a revision of Part 1 of the Commission's rules in order to reflect therein the procedures to be followed in revocation and cease and desist cases; and

It further appearing, that the revisions of the Commission's rules necessitated by the aforesaid amendment of section 312 of the Communications Act are procedural in nature and may become effective immediately in accordance with section 4 of the Administrative Procedure Act:

It is ordered, That pursuant to authority contained in sections 4 (i) and 303 (r) of the Communications Act, Part 1, Practice and Procedure, is amended, effective immediately, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1083, as amended; 47 U. S. C. 303)

Released: April 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Part 1, Practice and Procedure, is amended as follows:

1. The heading preceding § 1.401 is amended to read: "Procedure with respect to Revocation and Modification of Station Authorizations, Issuance of Cease and Desist Orders, and Suspension of Radio Operator's Licenses."

2. Section 1.402 is amended to read:

§ 1.402 *Revocation of station licenses and construction permits and issuance of cease and desist orders.* (a) Whenever it appears that a station license or construction permit should be revoked for any of the reasons set forth in section 312 (a) of the Communications Act of 1934, as amended, or a cease and desist order should be issued for any of the reasons specified in section 312 (b) of the act, the Commission will issue an order directing the licensee, permittee or person to show cause why an order of revocation or a cease and desist order, as the case may be, should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will contain a statement of the matters with respect to which the Commission is inquiring and will call upon the licensee or permittee or person to appear before the Commission at a time and place stated in the order, but in no event less than thirty (30) days after the receipt of such order, and give evidence upon the matter specified therein; except that where safety of life or property is involved, the Commission may provide in the order for a shorter period.

(c) In order to avail himself of the opportunity to appear before the Commission at the time and place stated in the show cause order to give evidence upon the matter specified therein, the licensee, permittee or person, in person or by his attorney, shall within 30 days of the receipt of the order, or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission, in triplicate, a written appearance stating that he will appear and present evidence on the matter specified in the order.

(d) The hearing on the matter specified in the order to show cause, and the practice and procedure in connection therewith, shall accord with the provisions of Subparts F and G of this part, except that in all such hearings the burden of proceeding with the introduction of the evidence and the burden of proof shall be upon the Commission.

(e) If the licensee, permittee or person does not desire to appear before the Commission and give evidence upon the matter specified in the show cause order, he shall, within 30 days of the receipt of the order or such shorter period as may

be specified therein if the safety of life or property is involved, file with the Commission, in triplicate, a written waiver of hearing. Such waiver, which shall include the name of the licensee, permittee or person to whom the show cause order was addressed, the call letters of his station, if any, and the docket number of the proceeding, may be accompanied by a statement of reasons why the licensee, permittee or person believes that an order of revocation or a cease and desist order, as the case may be, should not be issued.

(f) If the licensee, permittee or person fails timely to respond to an order to show cause or fails to appear at a hearing, such failure will be deemed a waiver of hearing.

(g) If the licensee, permittee or person waives a hearing in accordance with the provisions of paragraph (e) of this section and fails to submit a statement therewith showing why he believes an order of revocation or a cease and desist order should not be issued, or if he is deemed to waive a hearing in accordance with the provisions of paragraph (f) of this section, the allegations specified in the order to show cause will be deemed to be admitted and a decision will be issued by the Commission invoking the sanction specified in the order to show cause. If a hearing is waived pursuant to paragraph (e) of this section but a written statement as to why an order of revocation or cease and desist order should not be issued is submitted, the Commission will, on the basis of the facts before it as supplemented by such written statement, issue a decision stating its reasons for invoking the sanction specified in the order to show cause or for dismissing the proceeding, as the case may be: *Provided,* That where the written statement contains factual allegations contrary to those upon which the show cause order was based the Commission may call upon the submitting party to furnish additional information under oath, or, if necessary, designate the proceeding for oral hearing. The decisions of the Commission referred to in this paragraph shall have the same effect as an initial decision and the procedure to be followed thereafter shall be the same as in the case of an initial decision issued in the course of the regular hearing procedure.[12]

(h) Any order of revocation or cease and desist order issued pursuant to this section shall include a statement of the findings and the grounds and reasons therefor and specify the effective date of the order, and shall be served on said licensee, permittee or person.

[F. R. Doc. 53-3624; Filed, Apr. 24, 1953; 8:45 a. m.]

[Docket No. 10415]

PART 11—INDUSTRIAL RADIO SERVICES

FREQUENCIES AVAILABLE FOR BASE AND MOBILE STATIONS

In the matter of amendment of §§ 11.252 (b) 11.302 (b), 11.352 (b), 11.402 (a) and 11.502 (b) of Part 11, Industrial Radio Service; Docket No. 10415.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of April 1953;

The Commission having under consideration its proposal in the above entitled matter; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on March 10, 1953 (18 F. R. 1362) and that the period for the filing of comments now has expired; and

It further appearing, that comments were filed on the proposed amendments by National Forest Industries Communications, the Central Committee on Radio Facilities of the American Petroleum Institute, and the Special Industrial Radio Service Association, and that these comments uniformly favorable to adoption of the amendments in the form proposed; and

It further appearing, that the public interest, convenience and necessity will be served by adoption of the amendments as proposed, the authority for which is contained in sections 4 (i) 303 (c) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunications and Radio Conferences, Atlantic City (1947) and the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva 1951)

It is ordered, That effective May 22, 1953, Part 11, Industrial Radio Services, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 USC 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 USC 303)

Released: April 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. In Subpart F of Part 11, rules governing the Power Radio Service, amend paragraph (b) of § 11.252 by adding the frequency 2398 kc and a new footnote, so that the new paragraph reads as follows:

(b) The following frequencies are available for assignment to base stations and mobile stations in the Power Radio Service on a shared basis with other services:

Frequency (kc)	*Frequency (Mc)*
[1] 2292	[2] 35.06
[1] 2398	[2] 35.10
[3] [4] 4637.5	[2] 35.14
	[2] 35.18

[1] Use of this frequency by stations licensed in the Power Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

[2] The use of these frequencies by stations in the Power Radio Service is subject to causing no harmful interference to the Maritime Mobile Service.

[3] This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

[4] This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

2. In Subpart G of Part 11, rules governing the Petroleum Radio Service, amend paragraph (b) of § 11.302 by adding the frequency 2398 kc and a new footnote, so that the new paragraph reads as follows:

(b) The following frequencies are available for assignment to base stations and mobile stations in the Petroleum Radio Service on a shared basis with other services:

Frequency (kc)	*Frequency (Mc)*	*Frequency (Mc)*
1614	30.66	153.23
1628	30.70	153.29
1652	30.74	153.35
1676	30.78	153.31
1700	30.82	153.37
[1] 2292	153.05	153.43
[1] 2398	153.11	
[2] [3] 4637.5	153.17	

[1] Use of this frequency by stations licensed in the Petroleum Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

[2] This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

[3] This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

3. In Subpart H of Part 11, rules governing the Forest Products Radio Service, amend paragraph (b) of § 11.352 by adding the frequency 2398 kc and a new footnote, so that the new paragraph reads as follows:

Frequency (kc)	*Frequency (Mc)*	*Frequency (Mc)*
1676	49.54	153.05
1700	49.58	153.11
[1] 2398	49.62	153.17
	49.66	153.23
		153.29
		153.35
		153.31
		153.37
		153.43

[1] Use of this frequency by stations licensed in the Forest Products Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

4. In Subpart I of Part 11, rules governing the Motion Picture Radio Service, amend paragraph (a) of § 11.402 by adding the frequency 2398 kc and a new

[12] See §§ 1.853 to 1.857.

footnote, so that the new paragraph reads as follows:

(a) The following frequencies are available for assignment to base stations and mobile stations in the Motion Picture Radio Service on a shared basis with other services:

Frequency (kc)	Frequency (Mc)	Frequency (Mc)
1628	49.70	152.99
1652	49.74	173.225
[1]2292	49.78	173.275
[1]2398	49.82	173.325
[2][3]4637.5	152.87	173.375
	152.93	

[1] Use of this frequency by stations licensed in the Motion Picture Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

[2] This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

[3] This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

5. In Subpart K of Part 11, rules governing the Special Industrial Radio Service, amend paragraph (b) of § 11.502 by adding the frequency 2398 kc and a new footnote, so that the new paragraph reads as follows:

(b) The following frequencies are available for assignment to base stations and mobile stations in the Special Industrial Radio Service on a shared basis with other services:

Frequency (kc)	Frequency (Mc)	Frequency (Mc)
[1]2292	49.54	49.78
[1]2398	49.58	49.82
[2][3]4637.5	49.62	152.87
	49.66	152.93
	49.70	152.99
	49.74	154.57

[1] Use of this frequency by stations licensed in the Special Industrial Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

[2] This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

[3] This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

[F. R. Doc. 53-3623; Filed, Apr. 24, 1953; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 520]

EMPLOYMENT OF STUDENT-LEARNERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) that the Administrator of the Wage and Hour Division, United States Department of Labor, intends to revise the regulations governing the employment of student-learners at subminimum wage rates under the Fair Labor Standards Act (29 CFR Part 520). The proposed revision is set forth below. The purpose underlying such revision is to clarify the terms and conditions of the regulations and to simplify and improve the procedures provided for employment of student-learners.

Interested persons may submit data, views, or arguments, either in support of or in opposition to the proposed revision, to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., within 30 days from the date of the publication of this notice in the FEDERAL REGISTER. Prior to the final adoption of this revision careful consideration will be given to any such material which may be submitted in writing.

Sec.

AUTHORITY: §§ 520.1 to 520.11 issued under sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214.

§ 520.1 *Applicability of the regulations contained in this part.* The regulations contained in this part are issued in accordance with section 14 of the Fair Labor Standards Act of 1938, as amended, to provide for the employment under special certificates of student-learners at wages lower than the minimum wage applicable under section 6 of the act. Such certificates shall be subject to the terms and conditions hereinafter set forth.

§ 520.2 *Definitions.* As used in the regulations contained in this part:

(a) A "student-learner" is a student who is receiving instruction in an accredited school, college or university and who is employed on a part-time basis, pursuant to a bona fide vocational training program.

(b) A "bona fide vocational training program" is one authorized and approved by a State board of vocational education or other recognized educational body and provides for part-time employment training which may be scheduled for a part of the work day or work week, for alternating weeks or for other limited periods during the year, supplemented by and integrated with a definitely organized plan of instruction designed to teach technical knowledge and related industrial information given as a regular part of the student-learner's course by an accredited school, college, or university.

§ 520.3 *Application for a special student-learner certificate.* (a) Whenever the employment of a student-learner at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, is believed necessary to prevent curtailment of opportunities for employment, an application for a special certificate authorizing the employment of such student-learner at subminimum wages may be filed with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C. Such application shall be filed by the employer. A copy of such application shall be filed simultaneously by the employer with the appropriate Regional or Territorial Office of these Divisions.

(b) Application must be made on the official form furnished by these Divisions and must be signed by the employer, the appropriate school official and the student-learner. The application must contain all information required by such form, including among other things, a statement clearly outlining the vocational training program and showing, particularly, the processes in which the student-learner will be engaged when in training on the job; a statement clearly outlining the school instruction directly related to the job; the total number of workers employed in the establishment; the number and hourly wage rate of experienced workers employed in the occupation in which the student-learner is to be trained; the hourly wage rate or progressive wage schedule which the employer proposes to pay the student-learner; data regarding the age of the student-learner; the period of employment training at subminimum wages; the number of hours of employment training a week; the number of hours of school instruction a week; and a certification by the appropriate school official that the student named therein will be receiving instruction in an accredited school, college or university and will be employed pursuant to a bona fide vocational training program, as defined in § 520.2 (b).

§ 520.4 *Procedure for action upon application.* (a) Upon receipt of an application for the employment of a student-learner, the Administrator or his authorized representative shall issue a special certificate or deny the application or, in appropriate circumstances, provide an opportunity to interested

parties to present their views on the application prior to granting or denying a special student-learner certificate.

(b) If a special certificate is issued it shall be mailed to the employer. If a special certificate is denied, notice of such denial shall be mailed to the employer and such denial shall be without prejudice to any subsequent application, except under the circumstances referred to in § 520.6 (c) (2) (iii) Two copies of the certificate or notice of denial shall be mailed to the appropriate school official, one of which shall be retained for his records and the other shall be presented to the student-learner.

§ 520.5 *Conditions governing issuance of special student-learner certificates.* The following conditions must be satisfied before a special certificate may be issued authorizing the employment of a student-learner at subminimum wages:

(a) Any training program under which the student-learner will be employed must be a bona fide vocational training program as defined in § 520.2;

(b) The employment of the student-learner at subminimum wages authorized by the special certificate must be necessary to prevent curtailment of opportunities for employment;

(c) The student-learner must be at least sixteen years of age (or older as may be required pursuant to paragraph (d) of this section)

(d) The employment of the student-learner must conform with the orders and regulations issued by the Secretary of Labor pursuant to the Fair Labor Standards Act of 1938, as amended;

(e) The occupation for which the student-learner is receiving preparatory training must require a sufficient degree of skill to necessitate a substantial learning period;

(f) The training must not be for the purpose of acquiring manual dexterity and high production speed in repetitive operations;

(g) The employment of a student-learner must not have the effect of displacing a worker employed in the establishment;

(h) The employment of the student-learners at subminimum wages must not tend to impair or depress the wage rates or working standards established for experienced workers for work of a like or comparable character;

(i) The occupational needs of the community or industry warrant the training of student-learners;

(j) There have been no serious violations of the provisions of a student-learner certificate previously issued to the employer, or serious violations of any other provisions of the Fair Labor Standards Act of 1938, as amended, by the employer which provide reasonable grounds to conclude that the terms of the certificate would not be complied with, if issued;

(k) The issuance of such a certificate would not tend to prevent the development of apprenticeship in accordance with the regulations applicable thereto (Part 521 of this chapter) or would not impair established apprenticeship standards in the occupation or industry involved.

§ 520.6 *Terms and conditions of employment under special student-learner certificates.* (a) The special student-learner certificate, if issued, shall specify, among other things, (1) the name of the student-learner, (2) the name and address of the employer, (3) the name of the school which provides the related school instruction, (4) the occupation in which the student is to be trained, (5) the maximum number of hours of employment training in any one week at a specified subminimum wage rate or rates, and (6) the effective and expiration dates of the certificate.

(b) The subminimum wage rate shall be not less than 60 cents an hour, or the progressive wage schedule shall average not less than 60 cents an hour over the entire period covered by the certificate: *Provided, however* That the minimum starting rate in such progressive wage schedule shall be not less than 55 cents an hour, and provided further that the subminimum wage rate for student-learners employed in Puerto Rico or the Virgin Islands shall be not less than 75 per cent of the applicable minimum fixed in a wage order issued under the Fair Labor Standards Act, or the progressive wage schedule shall average not less than 75 per cent of such applicable minimum over the entire period covered by the certificate.

(c) (1) No special student-learner certificate may be issued retroactively.

(2) The certification by the appropriate school official on an application for a special student-learner certificate authorizing the employment of a student-learner at subminimum wages (see § 520.3 (b)) shall constitute a temporary authorization for the employment of a student-learner at less than the statutory minimum wage, effective from the date such application is forwarded to the Divisions in conformance with § 520.3, until a special student-learner certificate is issued or denied by the Administrator or his authorized representative: *Provided,* That the following conditions are satisfied: (i) The application must be properly executed in conformance with § 520.3; (ii) the employment training must conform with the provisions of §§ 520.5 (a) (c) and (d) and 520.6 (b) and (d) and (iii) the occupation must not be one for which a student-learner application was previously submitted by the employer, and a special certificate was denied by the Administrator or his authorized representative.

(d) (1) The number of hours of empolyment training each week at subminimum wages pursuant to a certificate, when added to the hours of school instruction, shall not exceed 40 hours, except that authorization may be granted by the Administrator or his authorized representative for a greater number of hours if found to be justified by extraordinary circumstances.

(2) When school is not in session on any school day, the student-learner may work a number of hours in addition to the weekly hours of employment training authorized by the certificate: *Provided, however* That the total hours worked shall not exceed 8 hours on any such day. A notation shall be made in the employer's records to the effect that school not being in session was the reason additional hours were worked on such day.

(3) During the school term, when school is not in session for the entire week, the student-learner may work at his employment training a number of hours in the week in addition to those authorized by the certificate: *Provided, however* That the total hours shall not exceed 40 hours in any such week. A notation shall be made in the employer's records to the effect that school not being in session was the reason additional hours were worked in such week.

(e) A special student-learner certificate shall not constitute authorization to pay a subminimum wage rate to a student-learner in any week in which he is employed for a number of hours in addition to the number authorized in the certificate, except as provided in paragraph (d) (1), (2) and (3) of this section.

(f) A special student-learner certificate may be issued for a period not to exceed twelve months unless a longer period is found to be justified by extraordinary circumstances. No certificate shall authorize employment training beyond the date of graduation.

(g) No provision of the regulations contained in this part, or of any certificate issued pursuant thereto, shall excuse noncompliance with higher standards applicable to student-learners which may be established under any other Federal law, or any State law, municipal ordinance or trade-union agreement.

§ 520.7 *Employment records to be kept.* In addition to any other records required under the record-keeping regulations (Part 516 of this chapter) the employer shall keep the following records specifically relating to student-learners employed at subminimum wage rates:

(a) Any worker employed as a student-learner shall be identified as such on the payroll records, with each student-learner's occupation and rate of pay being shown;

(b) The employer's copy of the application, which is serving as a temporary authorization under § 520.6 (c) (2), must be available at all times for inspection for a period of 3 years from the last date of employment of the student-learner;

(c) Notations should be made in the employer's records when additional hours are worked by reason of school not being in session as provided in § 520.6 (d) (2) and (3)

§ 520.8 *Amendment or withdrawal of a special student-learner certificate.* A special student-learner certificate may be amended or withdrawn for cause, including a change in the conditions of employment training or school instruction, upon motion of the Administrator or upon written request of any interested person.

§ 520.9 *Cancellation of a special student-learner certificate.* (a) The Administrator or his authorized representative may cancel any special student-learner certificate for cause. Except in cases of willfulness or those

in which the public interest requires otherwise, before any special student-learner certificate is cancelled facts or conduct which may warrant such action shall be called to the atention of the employer and he shall be afforded an opportunity to achieve or demonstrate compliance.

(b) No order cancelling any special certificate shall take effect until the expiration of the time allowed for requesting reconsideration or review under § 520.10, and, if a petition for reconsideration or review is filed, the effective date of the cancellation order shall be postponed until action is taken thereon: *Provided, however* That if the cancellation order is affirmed the employer shall reimburse any person employed under a special certificate which has been cancelled in an amount equal to the difference between the statutory minimum wage applicable under section 6 of the act and any lower wage paid such person subsequent to the cancellation date indicated in the original cancellation notice addressed to the employer.

§ 520.10 *Reconsideration and review.* (a) Any person aggrieved by the action of an authorized representative of the Administrator in denying, granting, or cancelling a special student-learner certificate may, within 15 days after such action, (1) file a written request for reconsideration thereof by the authorized representative of the Administrator who made the decision in the first instance, or (2) file a written request for review of the decision by the Administrator or an authorized representative who has taken no part in the action which is the subject of review.

(b) A request for reconsideration shall be granted where the applicant shows that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceedings.

(c) Any person aggrieved by the action of an authorized representative of the Administrator in denying a request for reconsideration may, within 15 days thereafter, file a written request for review.

(d) Any person aggrieved by the reconsidered determination of an authorized representative of the Administrator may within 15 days after such determination, file a written request for review.

(e) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(f) If a request for reconsideration or review is granted, all interested persons shall be afforded an opportunity to present their views.

§ 520.11 *Amendment to the regulations in this part.* The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of the regulations contained in this part.

Signed at Washington, D. C., this 22d day of April 1953.

WM. R. McCOMB,
Administrator, Wage and Hour Division, United States Department of Labor.

[F. R. Doc. 53-3638; Filed, Apr. 24, 1953; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 425]

SIOUX CITY STOCK YARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued in this proceeding on March 6, 1952 (11 A. D. 276) authorizing respondent to assess the current schedule of rates and charges to and including March 24, 1954, unless changed by further order before the latter date.

On April 16, 1953, the respondent filed a petition requesting that an order be issued authorizing it to modify its current schedule of rates and charges in the following respects and that the current schedule as so modified be continued in effect for a period of two years from the effective date of the order to be issued.

YARDAGE CHARGES

	Present rate (per head)	Proposed rate (per head)
Cattle:		
Salable receipts	$0.70	$0.73
Direct receipts	.35	.37
Resales—Commission firms	.70	.73
Hogs:		
Salable receipts	.24	.27
Direct receipts	.12	.14
Resales—Commission firms	.24	.27
Sheep:		
Salable receipts	.15	.17
Direct receipts	.08	.09
Resales—Commission firms	.15	.17

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 21st day of April 1953.

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 53-3660; Filed, Apr. 24, 1953; 8:52 a. m.]

[7 CFR Parts 906, 929]

[Docket No. AO-222-A1 A3]

HANDLING OF MILK IN THE TULSA, OKLAHOMA, AND MUSKOGEE, OKLAHOMA, MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING THE ORDERS, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a joint public hearing was conducted at Tulsa, Oklahoma, on March 9, 1953, pursuant to notice thereof which was issued on February 18, 1953, (18 F. R. 1044)

The material issues of record related to proposals with respect to:

1. The pricing of Class II milk;
2. The classification of dumped skim milk;
3. The computation of daily average bases for certain producers under the Muskogee order; and.
4. The necessity for action with respect to these issues which would require the omission of a recommended decision.

In this decision the evidence with respect to issue numbered 2 above and the evidence with respect to issue number 4 as it is related to that issue are considered. The evidence with respect to the pricing of Class II milk is reserved for further consideration. Action has already been taken with respect to issue numbered 3 above.

Findings and conclusions. The following findings and conclusions on the material issues considered in this decision are based upon the evidence introduced at the hearing and the record thereof:

1. Skim milk dumped after prior notification to the market administrator should be classified as Class II milk.

The present classification provisions of the Tulsa and Muskogee orders consider all receipts of milk which are not accounted for as disposed of for fluid use or livestock feed, as used to produce manufactured dairy products, or as in inventory, to be shrinkage, and classifies as Class I milk shrinkage allocated to producer milk in excess of 2 percent of receipts.

These provisions have not caused any particular difficulty in either market since the orders became effective. This spring, however, milk production is considerably greater than at any time since the orders became effective. At the same time the operators of manufacturing plants to which seasonal surpluses of milk are customarily moved as whole milk have indicated that it is doubtful if they will be in position to receive such milk this season. As a consequence there is considerable possibility that handlers will have to receive and separate surplus milk without at all times having available outlets for the resulting

skim milk. The volumes of such skim milk can easily exceed the 2 percent shrinkage allowance provided, thus resulting in a handler paying the Class I price for a product for which he realizes no return.

It was proposed that skim milk dumped be classified as Class II milk, if prior notification be given the market administrator. The chief problem presented by such a proposal is the administrative problem of verification, both as to the actual disposition and the volume involved therein. The Tulsa and Muskogee markets are however areas in which there are relatively few handlers, with the principal plants in each area located rather closely together. In this situation prior notification to the market administrator that skim milk is to be dumped will provide opportunity to make sufficient observations to provide reasonable verification of such disposition. It is concluded the proposal should be adopted.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issue.

Delay beyond the minimum time required to make the attached orders effective would defeat the purpose of such amendments. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity for filing exceptions thereto with respect to the proposals here considered was indicated on the record by interested parties, who waived the filing of briefs on the evidence with respect to issues considered herein.

General findings. (a) The proposed marketing agreements and orders, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and in the orders, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure sufficient quantities of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreements and the orders, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in marketing agreements upon which a hearing has been held.

Determination of representative period. The month of February 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of orders amending the orders, as amended, regulating the handling of milk in the Tulsa, Oklahoma, and Muskogee, Oklahoma, marketing areas in the manner set forth in the attached amending orders is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing areas specified in such orders, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are four documents entitled "Marketing Agreement Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area," "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area," "Marketing Agreement Regulating the Handling of Milk in the Muskogee, Oklahoma, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Muskogee, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders, as amended, and as hereby proposed to be further amended by the attached orders which will be published with this decision.

This decision filed at Washington, D. C., this 22d day of April 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

Order[1] Amending the Order as amended, Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and detrminations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tulsa, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the period appearing at the end of § 906.41 (b) substitute therefor a semi-colon and add the following: "and skim milk dumped, after prior notification to and opportunity for verification by the market administrator."

Order[1] Amending the Order as Amended, Regulating the Handling of Milk in the Muskogee, Oklahoma, Marketing Area

§ 929.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Muskogee, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Muskogee, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the period appearing at the end of § 929.41 (b) substitute therefor a semi-colon and add the following: "and in skim milk dumped, after prior notification to and opportunity for verification by the market administrator."

[F. R. Doc. 53-3686; Filed, Apr. 24, 1953; 8:56 a. m.]

[7 CFR Part 907]

[Docket No. AO 212-A5]

MILWAUKEE, WISCONSIN, MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK AND PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Room 316, Federal Building, 517 East Wisconsin Avenue, Milwaukee, Wisconsin, at 1:00 p. m., c. s. t., on April 29, 1953.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Milwaukee, Wisconsin, marketing area and to the proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area (7 CFR 907.0 et seq.) set forth herein below, or modifications thereof. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed amendments submitted by Wern Farms:

1. Delete from § 907.51 (c) the proviso which reads as follows: *"Provided,* That in no event shall the price for Class III milk be lower than the price for Class IV milk"

2. Add the following proviso at the end of § 907.51 (d) *"Provided,* That during the months of January to July, both inclusive, any milk manufactured by or for the account of a handler to a plant where no milk is received or bottled for sale as Class I milk in the marketing area, and where evaporated or condensed milk or cheese is manufactured during the delivery period, shall be subject to an allowance to the handler of 95 cents per hundredweight to compensate for hauling and handling charges."

Proposed amendments submitted by Blochowiak Dairy Co. et al..

3. Delete § 907.41 (c) and substitute therefor the following:

(c) Class III milk shall be all milk, the butterfat from which is contained in:

(1) Evaporated milk, condensed milk, nonfat dry milk solids and whole milk powder (the products specified in this subparagraph are referred to hereinafter as Class III (a) milk)

(2) Ice cream, ice cream mix, eggnog, topping, casein, yogurt, aerated cream products disposed of with flavor or sweeting added in containers or dispensers under pressure, and bulk fluid milk, bulk fluid skim milk or bulk fluid cream disposed of to bakeries, soup companies, candy manufacturers or other food processors in their capacity as such;

(3) Any other product not specified as Class I milk, Class II milk or Class IV milk.

4. Delete the proviso at the end of § 907.51 (c) and substitute therefor the following: *"Provided,* That in no event shall the price for Class III milk be lower than the price for Class IV milk, however the price resulting from the formula set forth in this paragraph shall apply at all times to Class III (a) milk."

5. Amend the order in such other or further respects as will conform other provisions thereof with the creation of a Class III (a) milk priced in accordance with the formula prescribed by § 907.50 (c), including specific reference to "reconciliation" (§ 907.47).

Proposed by the Dairy Branch, Production and Marketing Administration:

6. Delete the semi-colon from § 907.47 (a) and add at the end of such paragraph the following phrase: "and the prorated pounds of inventory variation resulting from other source milk;"

7. Delete § 907.47 (b) and (c) and substitute therefor the following:

(b) Subtract in series beginning with the remaining Class IV milk (other than shrinkage of producer milk) the pounds of 3.5 percent milk equivalent of other source milk received other than the amount represented by the subtraction made pursuant to paragraph (a) of this section;

(c) Subtract from the pounds of milk remaining in each class (other than shrinkage computed pursuant to § 907.46 (f) (6) (i)) the pounds of milk (in Class II milk, Class III milk and Class IV milk the 3.5 percent milk equivalent of butterfat) received from other handlers and assigned to such class; and

8. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the said order, as amended, may be procured from the Market Administrator, 956 North Twelfth Street, Milwaukee 3, Wis., or from the Hearing Clerk, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: April 22, 1953, at Washington, D. C.

ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53-3658; Filed, Apr. 24, 1953; 8:51 a. m.]

[7 CFR Part 936]

HANDLING OF FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF PROPOSED AMENDMENT OF RULES AND REGULATIONS

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of the rules and regulations (7 CFR 936.100 *et seq.*. Subpart—Rules and Regulations; 17 F. R. 541, 18 F. R. 712) currently in effect pursuant to the amended marketing agreement and Order No. 36 (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*).

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed amendment should do so by forwarding the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C.,

not later than five days after the publication of this notice in the FEDERAL REGISTER.

The proposed amendment of the rules and regulations would:

(a) Include in the rules and regulations the measurements of plums of standard pack sizes when packed in a 4-basket crate, or in containers other than a 4-basket crate; and

(b) Include in the rules and regulations the inspection and certification requirements applicable to each shipment of a regulated fruit and the accompanying procedure for waiving such requirements under specified circumstances.

Proposal (a) was submitted by the Plum Commodity Committee; and proposal (b) was submitted by each of the three commodity committees established under the amended marketing agreement and order, namely, the Plum Commodity Committee, the Bartlett Pear Commodity Committe, and the Elberta Peach Commodity Committee.

The proposed amendment is as follows:

Add the following new sections to the rules and regulations (7 CFR 936.100 et seq., 17 F. R. 541, 18 F.R. 712)

§ 936.142 *Plums; standard pack; diameter; equivalent sizes*—(a) *Standard pack.* "Standard pack" means each of the following packs of plums—4 x 4, 4 x 5, 5 x 5, 5 x 6, and 6 x 6—when packed in a standard basket (as defined in paragraph 1 of Section 828.1 of the Agricultural Code of California) in accordance with the requirements for the Standard Pack (as such requirements and Standard Pack are specified in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360)

(b) *Diameter* "Diameter" means the shortest distance measured through the center of a plum at right angles to a line running from the stem to the blossom end.

(c) *Equivalent sizes.* (1) The following are the equivalent sizes of plums in 4 x 4, 4 x 5, 5 x 5, 5 x 6, and 6 x 6 standard packs, respectively, when the plums are packed in containers other than standard baskets.

(i) *4 x 4 pack.* At least 90 percent, by count, of the plums contained in such pack measure not less than 1 2/16 inches in diameter; and no plums contained in such pack measure less than 1 9/16 inches in diameter;

(ii) *4 x 5 pack.* At least 90 percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; and no plums contained in such pack measure less than 1 7/16 inches in diameter;

(iii) *5 x 5 pack.* At least 90 percent, by count, of the plums contained in such pack measure not less than 1 5/16 inches in diameter and no plums contained in such pack measure less than 1 5/16 inches in diameter;

(iv) *5 x 6 pack.* At least 90 percent, by count, of the plums contained in such pack measure not less than 1 5/16 inches in diameter and no plums contained in such pack measure less than 1 3/16 inches in diameter; and

(v) *6 x 6 pack.* At least 90 percent, by count, of the plume contained in such pack measure not less than 1 1/16 inches in diameter; and no plums contained in such pack measure less than 1 1/16 inches in diameter.

(2) No lot of plums of a particular size shall be considered as failing to meet the requirements of this paragraph if one package of such plums contains not more than one percent, by count of the plums therein, that are smaller than the minimum diameter specified for that size.

§ 936.143 *Inspection and certification.* (a) During any period when regulation is in effect pursuant to § 936.40 or § 936.41, each shipper shall, prior to making each shipment of fruit, have the fruit inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by each commodity committee established pursuant to the amended marketing agreement and order and hereby approved: *Provided,* That a shipper may ship such fruit without inspection if all of the following conditions are met in connection with the respective shipment:

(1) When the shipper desires to ship on a day other than an announced Federal-State Inspection working day, a written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection; or when the shipper desires to ship on a Federal-State Inspection working day but later than the announced closing hour for inspection, a written request is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day on which the fruit will be made available for inspection;

(2) The shipper designates in such request the varieties of fruit to be inspected, the approximate quantities by variety, and the time when the fruit will be available for inspection;

(3) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time; and

(4) The shipper submits, or causes to be submitted, promptly to the California Tree Fruit Agreement such signed statement, and states, on the reverse side thereof, (i) the varieties of fruit shipped without inspection, (ii) the quantity of each variety so shipped, (iii) the type of containers in which such fruit was packed, (iv) the date and hour when such shipment was made, (v) the car or truck license number of the carrier, and (vi) that all of the fruit so shipped complied with all grade and size, or minimum standards of quality or maturity, regulations applicable to such shipment.

(b) Nothing contained in paragraph (a) of this section shall prevent a shipper from shipping regulated fruit without inspection during working hours of an announced Federal-State Inspection Service working day if (1) such shipper requests inspection for such fruit and the Federal-State Inspection Service furnishes such shipper with a signed statement that it was not practicable to make the inspection requested, and (2) such shipper submits, or causes to be submitted, promptly to the California Tree Fruit Agreement such statement, together with a report concerning such shipments containing all of the information set forth in subparagraph (a) (4) of this section.

Issued this 23d day of April 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-3712; Filed, Apr. 24, 1953; 8:58 a. m.]

[7 CFR Part 972]

[Docket No. AO-177-A12]

HANDLING OF MILK IN THE TRI-STATE, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held at the Market Administrator's office, 64 State Street, Gallipolis, Ohio, beginning at 10:00 a. m., e. s. t., May 13, 1953 for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Ashland Sanitary Milk Company, Johnson's Dairy, Hyland Farms Dairy, Guyan Creamery, Borden's Dairy, Springhill Dairy, and Rich Valley Dairy.

1. Amend § 972.5 to read as follows:

§ 972.5 *Marketing area.* "Tri-State marketing area," hereinafter called the "marketing area," means all territory lying within the corporate limits of the cities of Ashland, Kentucky, Huntington and Parkersburg, West Virginia, and Marietta, Ironton, and Gallipolis, Ohio; and all territory lying within Athens, Scioto, Meigs, Pike, Lawrence, and Gallia Counties, Ohio, Mason, Cabell, and Wayne Counties, West Virginia, and Boyd and Greenup Counties, Kentucky, including, but not limited to, all municipal corporations in said counties.

2. Amend § 972.6 to read as follows:

§ 972.6 *Huntington district.* "Huntington district" means that portion of the marketing area lying within the corporate limits of the cities of Ashland, Kentucky, Huntington, West Virginia, and Ironton and Gallipolis, Ohio; and all territory lying within Meigs, Lawrence, and Gallia Counties, Ohio, Mason, Cabell, and Wayne Counties, West Virginia, and

Boyd and Greenup Counties, Kentucky, including, but not limited to, all municipal corporations in said counties.

3. Amend § 972.15 to read as follows:

§ 972.15 *Huntington district plant.* "Huntington district plant" means a fluid milk plant (a) located within the Huntington district, or (b) located outside the marketing area from which any milk is disposed of in the Huntington district.

4. Add new §§ 972.17 and 972.18 to read as follows:

§ 972.17 Any handler located within the marketing area, but outside of the Huntington district, operating a route wholly or partially within the Huntington district shall pay for the products sold on such route the class prices prevailing in the Huntington district.

§ 972.18 Any handler located within the marketing area, but outside of the "other than Huntington district," operating a route wholly or partially within the "other than Huntington district" shall pay for the products sold on such route the class prices prevailing in the "other than Huntington district." In the event products are sold on any one route or routes in both the Huntington district and the "other than Huntington district," the district having the highest class prices shall determine the price paid for all products sold on this route or routes.

5. Should there be other proposed amendments which would necessitate a modification of Proposal No. 4 so as to effectuate the purpose of said proposal with respect to other parts of the district, then said Proposal No. 4 should be so modified as to effect its purposes.

6. Make any and all other changes necessary to carry the above proposals into effect.

Proposed by Southeastern Ohio Cooperative Dairy Sales Association, Inc.:

7. Amend § 972.5 to read as follows:

§ 972.5 *Marketing area.* "Tri-State marketing area," hereinafter called the "marketing area," means all territory lying within the corporate limits of the cities of Ashland, Kentucky, Huntington and Parkersburg, West Virginia, and Marietta, Ironton, and Gallipolis, Ohio; and all territory lying within Athens, Scioto, Meigs, Pike, Jackson, Washington, Lawrence, and Gallia Counties, Ohio, Mason, Wood, Cabell, and Wayne Counties, West Virginia, and Boyd and Greenup Counties, Kentucky, including, but not limited to, all municipal corporations in said counties.

8. Amend § 972.6 to read as follows:

§ 972.6 *Huntington district.* "Huntington district" means that portion of the marketing area lying within the corporate limits of the cities of Ashland, Kentucky, Huntington, West Virginia, and Ironton and Gallipolis, Ohio; and all territory lying within Meigs, Lawrence, and Gallia Counties, Ohio, Mason, Cabell, and Wayne Counties, West Virginia, and Boyd and Greenup Counties, Kentucky, including, but not limited to, all municipal corporations in said counties.

9. Amend § 972.8 to read as follows:

§ 972.8 *Fluid milk plant.* Any milk handling plant (hereinafter referred to as a "plant") shall be a "fluid milk plant":

(a) In any month in which a route is operated wholly or partially within the marketing area from such plant; or

(b) In any of the months of October, November, December, or January in which milk is delivered from such plant to a plant which is a fluid milk plant pursuant to paragraph (a) of this section on 20 or more days during such month; or

(c) In any of the months of February, March, April, May, June, July, August, or September in which milk is delivered from such plant to a plant which is a fluid milk plant pursuant to paragraph (a) of this section on 5 or more days during such month: *Provided,* That a "fluid milk plant" shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

10. Amend § 972.22 (j) (2) to read as follows:

(2) On or before the 10th day after the end of such delivery period, the uniform prices computed pursuant to § 972.62 and the butterfat differential computed pursuant to § 972.70.

11. Amend §§ 972.60 through 972.63 to read as follows:

§ 972.60 *Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by (a) multiplying the pounds of such milk in each class for the delivery period by the applicable class prices, (b) adding together the resulting amounts, and (c) deducting any amounts applicable pursuant to § 972.61. *Provided,* That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to producers as having been received by them, there shall be added an amount computed by multiplying the pounds in each class determined pursuant to § 972.36 (a) (5) and (b) by the applicable class prices and by deducting any amounts applicable pursuant to § 972.61.

§ 972.61 *Location differentials to handlers.* With respect to producer milk which is received at a fluid milk plant located more than 30 miles by the shortest highway distance from the Federal Building in Huntington, West Virginia, as determined by the market administrator and which is classified as Class I milk or as Class II milk, there shall be deducted in the computation of the value of milk for the handler operating such fluid milk plant the following amounts per hundredweight:

Distance:	*Amount*
Over 30, but not more than 45	$0.15
Over 45, but not more than 60	.20
Over 60	.30

§ 972.62 *Computation of uniform prices.* For each delivery period the market administrator shall compute for each handler a "uniform price" per hundredweight to be paid to producers and associations of producers for milk of 3.5 percent butterfat content received at fluid milk plants as follows:

(a) From the value of milk computed for such handler pursuant to § 972.60, subtract, if the weighted average butterfat test of producer milk represented by the value included under paragraph (a) of this section is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which its weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 972.70, and multiplying the resulting figure by the total hundredweight of such milk;

(b) Add the sum of any amounts deducted pursuant to § 972.67;

(c) Deduct for each of the months of April, May, June and July 33 cents per hundredweight of such milk;

(d) Add or subtract, as the case may be, any amounts necessary to correct errors in classification for previous delivery periods as disclosed by audit by the market administrator;

(e) Adjust the resulting amount by the sum of money used in adjusting the uniform price pursuant to paragraph (g) of this section, for the previous month, to the nearest cent;

(f) Divide the result by the total hundredweight of producer milk represented by the value computed pursuant to § 972.60; and

(g) Adjust the resulting figure to the nearest cent.

§ 972.63 *Notification to handlers.* On or before the 12th day after the end of each delivery period, the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class and the totals thereof;

(b) His uniform price; and

(c) The amount to be paid by such handler pursuant to §§ 972.65, 972.68, and 972.70.

12. Delete §§ 972.65 through 972.69 and substitute therefor the following:

§ 972.65 *Time and method of final payment.* Each handler shall make payment, subject to the provisions of §§ 972.66, 972.67, 972.70, 972.75, and 972.76, for all producer milk received during each delivery period, as follows:

(a) Except as set forth in paragraph (b) of this section, to each producer, on or before the 18th day after such delivery period, at not less than such handlers uniform price for milk of 3.5 percent butterfat; and

(b) To an association of producers for milk to producers from whom such association has received written authorization to collect payment, on or before

the 16th day after such delivery period, of a total amount equal to not less than the sum of the individual amounts otherwise payable to such producers under paragraph (a) of this section.

§ 972.66 *Partial payments.* Handlers shall make partial payments to producers as follows:

(a) On or before the last day of each delivery period, each handler shall make payment except as set forth in paragraph (b) of this section, to each producer at not less than such handler's uniform price of the preceding delivery period for the milk of such producer which was received by such handler during the first 15 days of the current delivery period; and

(b) On or before the day immediately preceding the last day of each delivery period, each handler shall make payment to an association of producers for milk of producers from whom such association has received written authorization to collect payment at not less than such handler's uniform price of the preceding delivery period for all such milk which was received by such handler during the first 15 days of the current delivery period.

§ 972.67 *Location differentials to producers.* In making payments pursuant to § 972.65 to producers for milk received at a fluid milk plant located more than 45 miles by the shortest highway mileage distance from the Federal Building in Huntington, West Virginia, as determined by the market administrator, a handler shall deduct the following amounts per hundredweight:

Distance:	*Amount*
Over 30, but not more than 45	$0.15
Over 45, but not more than 60	.20
Over 60	.30

§ 972.68 *Fall production incentive fund.* The market administrator shall establish a fall production incentive fund into which payments shall be made pursuant to paragraph (a) of this section and out of which payments shall be made pursuant to paragraphs (b) through (d) of this section.

(a) All amounts deducted pursuant to § 972.62 (c) shall be paid to the market administrator for deposit into this fund; and

(b) Divide one-fourth of the total amount deducted pursuant to § 972.62 (c) for the previous April, May, June, and July by the hundredweight of milk received from all producers by all handlers during the month involved (October, November, December, or January) and round to the nearest cent;

(c) Pay to a cooperative association an amount resulting from multiplying the rate per hundredweight for the applicable month computed pursuant to paragraph (b) of this section by the hundredweight of milk received by all handlers during such month from producers who have given such cooperative association authorization by contract or other written instrument to collect the proceeds from the sale of their milk; and

(d) Pay to each producer who has not given any cooperative association authorization by contract or other written instrument to collect the proceeds for the sale of his milk an amount resulting from multiplying the rate per hundredweight for the applicable month computed in paragraph (b) of this section by the hundredweight of milk delivered by such producer during such month.

13. Amend § 972.41 to read as follows:

§ 972.41 *Class I milk price.* Subject to the provisions of §§ 972.44 through 972.47, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk shall be the basic formula price determined pursuant to § 972.40 plus (a) $1.50 during each of the months of April, May, June and July and (b) $1.70 during each of the other months.

Proposed by Fairmont Foods Company

14. Amend § 972.31 (a) (1) to read as follows:

(1) Disposed of in fluid form as milk, skim milk (except as provided in paragraph (d) (2) (3) (4) and (5) of this section) or flavored milk or flavored milk drink; and

15. Amend § 972.31 (a) (2) by adding at the end thereof the words "or Class IV milk."

16. Delete § 972.31 (c) (2) and (3)

17. Add a new § 972.31 (d) to read as follows:

(d) Class IV milk shall be all skim milk and butterfat:

(1) Used to produce a milk product in a way other than specified in paragraphs (a) (1) (b) or (c)

(2) Used or sold for the manufacture of butter or American type cheese.

(3) Used or sold for the manufacture of skim milk powder.

(4) Skim milk dumped or disposed of for livestock feeding as skim milk or buttermilk.

(5) Disposed of as bulk skim milk to any manufacturer of candy, soup, or bakery products who does not dispose of milk in fluid form.

18. Amend § 972.43 to read as follows:

§ 972.43 *Class III milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum price per hundred on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class III milk shall be computed to the nearest cent by the market administrator pursuant to paragraph (a) of this section.

(a) The average of the basic (or fluid) prices per hundredweight reported to have been paid or to be paid for use in a nonfluid milk plant for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places from which the market administrator may be able to ascertain and calculate the price.

Present Operators and Location

Moores & Ross Dietetic Laboratories, Athens, Ohio.

Pickaway Dairy Cooperative Association, Circleville, Ohio.

United Dairy Company, Barnesville, Ohio.

Carnation Company, Coshocton, Ohio.

The Pickerington Creamery, Inc., Pickerington, Ohio.

19. Add a new section to be given a number following § 972.43 as follows:

Class IV milk prices. (a) Butterfat as defined in amended § 972.31 (d) (2) shall be priced on the basis of 92 score butter at Chicago, minus 10.02 cents per pound, plus 15 percent and if transferred to another plant for such purposes a hauling allowance of 0.269 cent per hundredweight for 40 percent cream for each mile of distance hauled in transfer, by the shortest highway route, between the receiving plant and the plant to which it is transferred shall be deducted not to exceed 40 cents per hundredweight.

(b) Skim milk as defined in amended § 972.31 (c) (3) and (5) shall be priced from the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture including in such average the quotations published for any fractional part of a previous delivery period which were not published or available for the price determination of such nonfat dry solids for the previous delivery period, deduct 6.35 cents, multiply by 8.2, deduct 13.56 cents per hundredweight handling allowance, and if transferred to another plant for such purposes a hauling allowance of 0.236 cent per hundredweight for each mile of distance hauled in transfer, by the shortest highway route, between the receiving plant and the plant to which it is transferred should be deducted, but not to exceed 40 cents per hundredweight.

(c) There shall be no payment for skim milk used or disposed in (d) (4)

Copies of this notice of hearing and of the order, as amended, regulating the handling of milk in the Tri-State marketing area may be obtained from the Market Administrator, 64 State Street, Gallipolis, Ohio, or from Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C. or may be there inspected.

Dated: April 23, 1953.

ROY W LENNARTSON,
Assistant Administrator

[F. R. Doc. 53-3717; Filed, Apr. 24, 1953; 8:58 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Economic Regs. Draft Release No. 59-A]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND OF FOREIGN AIR CARRIERS

SUPPLEMENTAL NOTICE OF PROPOSED RULE-MAKING

APRIL 22, 1953.

When the Board issued its notice of proposed rule-making in respect of this matter, published in the FEDERAL REGISTER on March 18, 1953 (18 F R. 1521),

and circulated to the public as Draft Release No. 59, the return date for comment was established as April 30, 1953. The Board has received requests by interested parties to extend the period during which comments may be submitted from the present return date to June 30, 1953. In view of the extensive and detailed provisions contained in the draft release, the Board believes this request to be reasonable and that the grant of additional time will be in the public interest.

Accordingly, the aforesaid notice is amended by changing the return date from April 30, 1953 to June 30, 1953. All material in communications received on or before such latter date will be considered before taking action on the proposed rule.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply § 403, 52 Stat. 992; 49 U. S. C. 483)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-3687; Filed, Apr. 24, 1953; 8:57 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration and Commodity Credit Corporation

WAREHOUSE-STORAGE NONRECOURSE LOAN NOTES WHICH MATURE APRIL 30, 1953, UNDER 1952 WOOL PRICE SUPPORT PROGRAM

NOTICE OF FINAL DATE OF REDEMPTION OF SHORN WOOL

Unless earlier demand is made by CCC, warehouse-storage nonrecourse loan notes, secured by shorn wool under the 1952 Wool Price Support Program, which mature on April 30, 1953, are due and payable on that date.

Unless the loan notes which mature on April 30, 1953, are repaid on or before this final date for repayment, or the handler on behalf of the producers notifies the PMA Commodity Office by telegram that the funds have been placed in the mail, CCC will, pursuant to the provisions of the loan note, and without further notice, proceed to offer such wool for sale during the period May 1 through 14, 1953, at the best price obtainable, but which in no event will be lower than the face value of the loan note plus interest and charges. Any amount received from such sales made during this period which is in excess of the face value of the loan note plus interest and charges will be returned to the producer. Wool for which no bids are received or for which prices offered during this period are below the face value of the loan note plus interest and charges will be purchased by CCC without further notice, pursuant to the provisions of the loan note.

The PMA Commodity Offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue; Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio.

Dallas 2, Texas, 1114 Commerce Street; New Mexico, Oklahoma, Texas.

Kansas City 6, Missouri, Fidelity Building, 911 Walnut Street; Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street; Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New Orleans 16, Louisiana, Wirth Building, 120 Marais Street; Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee.

New York 13, New York, 139 Centre Street; Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia.

Portland 5, Oregon, 515 Southwest Tenth Avenue; Idaho, Oregon, Washington.

San Francisco 19, California, P. O. Box 3638, Rincon Annex; Arizona, California, Nevada, Utah.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1446, 1421)

Done at Washington, D. C., this 21st day of April 1953.

[SEAL] HOWARD H. GORDON, *Executive Vice President, Commodity Credit Corporation.*

Approved:

JOHN H. DAVIS, *President, Commodity Credit Corporation.*

[F. R. Doc. 53-3684; Filed, Apr. 24, 1953; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 152]

RUDOLPH GURALNIK

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of Rudolph Guralnik, 50 Church Street, New York, New York, respondent; Case No. 152.

Rudolph Guralnik was charged by the Director, Investigation Staff, with having violated the Export Control Act of 1949, as amended, and the regulations promulgated thereunder. This proceeding was commenced, in accordance with § 382.3 of the regulations, by the service by registered mail on Guralnik of a charging letter dated March 9, 1953. The Post Office Receipt, signed by him, shows that he received it on March 11, 1953. In the charging letter he was informed of his right to answer the charges and to make written request for an oral hearing, within ten days after his receipt thereof. He has failed to answer the charges and has not requested an oral hearing. He is in default and, in accordance with § 382.4, the evidence of violation has been presented to the Compliance Commissioner.

The Compliance Commissioner has reviewed the facts of the case and has reported them together with his recommendations to the undersigned Assistant Director for Export Supply.

Now, upon considering the evidence submitted in support of the charges against Rudolph Guralnik (hereinafter referred to as respondent) and the report of the Compliance Commissioner, I hereby make the following findings of fact:

1. Rudolph Guralnik, at all times hereinafter mentioned, was engaged in the export business at 50 Church Street, New York City, and, in connection with the matter hereinafter set forth, had been engaged in a joint venture in which a certain corporation and another individual, had a financial interest.

2. On October 11, 1951, he prepared and signed an application for a license to export fifty tons of copper tubing to Brazil, but failed to set forth or disclose, either therein or in any other manner to the Office of International Trade, that the corporation and the other individual had a financial interest therein. He caused this application to be filed with the Office of International Trade on October 15, 1951. It was returned to him, without action, because the quota for the period involved had already been exhausted.

3. Respondent thereafter decided not to sell the copper tubing to the consignee named in the application, but instead, in December 1951, subsequent to the return thereof without action, he caused it to be resubmitted to the Office of International Trade for licensing.

4. This application was granted to the extent of approximately 50,000 pounds, export to the original consignee being authorized. Respondent retained the license, even though he had no intention to ship the copper tubing to the consignee named therein and, representing that he had such a license, he attempted to arrange with others in the United States another transaction wherein the licensed copper tubing might be exported to another consignee and he offered to attempt to have his license amended to permit the export to such different consignee so obtained.

5. On December 26, 1951, following receipt of said license, again without disclosing the intention not to ship to the named consignee, respondent caused to be submitted to the Office of International Trade an additional application for license to export to that consignee the balance of the copper tubing not already licensed.

From the foregoing, I have concluded that respondent did knowingly make false representations and statements to the Office of International Trade as to the persons for whose account the first application was submitted and as to the fact that he had an order for the tubing mentioned in both applications, in violation of §§ 372.1 (e) (1) 372.2 (a) and 381.1 (b) (1) that he failed to report to the Office of International Trade a material change in the facts related to the transaction on which his application was based, in violation of § 372.1 (e) (5) that he failed to return to the Office of International Trade the license received by him when he decided not to make shipment thereon, in violation of § 372.16; and that he did knowingly conceal from the Office of International Trade his intention not to complete an exportation for which he was requesting and had obtained a license in violation of § 381.1 (b) (i) (iii)

The Compliance Commissioner, in making his recommendation, has noted the manner in which respondent came to commit the violations, his attitude during the investigation, his manner of conducting business and the other circumstances disclosed in the evidence. After careful consideration of the entire record herein, I have concluded that the recommendation of the Compliance Commissioner is reasonable, necessary and proper to achieve effective enforcement of the law and it is, accordingly, adopted: *It is, now, therefore ordered.*

I. Rudolph Guralnik is hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly in any manner or capacity in any exportation of any commodity from the United States to any foreign destination. Without limitation of the generality of the foregoing, participation in an exportation is deemed to include participation (a) in the obtaining or using of export licenses, including general as well as validated export licenses, and any export control documents relating thereto; (b) as a party or as a representative of a party to any export license application; (c) in the financing, forwarding, transporting or other servicing of exports from the United States; and (d) in the receiving in any foreign country of any exportation from the United States.

II. All outstanding validated export licenses held by or issued in the name of said respondent are revoked and shall be returned forthwith to the Office of International Trade for cancellation.

III. Such denial of export privileges shall extend not only to the named respondent, but also to any person, firm, corporation or other business organization with which he may be now or during the effective term hereof related by ownership, control, position of responsibility or other connection in the conduct of trade involving exports from the United States.

IV This order is effective forthwith and shall continue in effect for the period of two (2) months from the date hereof.

V No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated and general licenses, or otherwise, to or for the respondent or any person, firm, corporation, or other business organization within the scope of paragraph III hereof, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

Dated: April 21, 1953.

JOHN C. BORTON,
Assistant Director
for Export Supply.

[F. R. Doc. 53-3655; Filed, Apr. 24, 1953; 8:51 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53242; Customs Delegation Order No. 3]

COLLECTORS OF CUSTOMS OF THE SEVERAL DISTRICTS

DELEGATION OF AUTHORITY TO ATTEST CERTIFICATES OF REGISTRY

APRIL 21, 1953.

By virtue of the authority vested in me by Treasury Department Order No. 165 (T. D. 53160, 17 F. R. 11705) I hereby authorize the collectors of customs of the several districts to perform the function of attesting certificates of registry under seal and by signature heretofore performed by the Commissioner of Customs under the authority of section 4158 of the Revised Statutes of the United States, as amended (46 U. S. C. 28)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 53-3678; Filed, Apr. 24, 1953; 8:54 a. m.]

Foreign Assets Control

IMPORTATION OF BEAN THREAD DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

APRIL 23, 1953.

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong with respect to the following additional commodity:

Bean thread.

[SEAL] ELTING ARNOLD,
Acting Director
Foreign Assets Control.

[F. R. Doc. 53-3726; Filed, Apr. 24, 1953; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9187]

ZIVA RAY BROWN

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Ziva Ray Brown, Huntington Beach, California, Docket No. 9187, application for renewal of Radiotelegraph First Class Operator License T-12-1097.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of April 1953, the Commission having under consideration the above-entitled matter:

It is ordered, On the Commission's own motion, that the hearing in the above entitled matter be held commencing at 10:00 a. m. on the 13th day of August 1953, at a place specified by further order of the Commission on the following issues:

1. To determine if Ziva Ray Brown, while employed as Radio Operator on board the SS Edward R. Squibb, failed to carry out the lawful orders of the Master of that vessel in violation of section 303 (m) of the Communications Act of 1934 as amended and § 13.64 of the Commission's rules.

2. To determine if Ziva Ray Brown, while employed as Radio Operator on board the SS Edward R. Squibb, divulged in violation of section 605 of the Communications Act of 1934, as amended the contents of a message placed with him.

3. To determine whether Ziva Ray Brown is qualified for the responsibilities of a radio-telegraph first class Radio Operator.

4. To determine whether Ziva Ray Brown while radio operator aboard the SS Edward R. Squibb was absent from his post of duty during watch hours and during such absence failed to switch on the ship auto alarm thereby violating section 353 (e) of the Communications Act.

5. To determine, in the light of evidence adduced under the foregoing issues, whether a renewal Radiotelegraph First Class Operator license should be issued to Ziva Ray Brown.

It is further ordered, That the licensee be provided with duplicate copies of this order, and that the licensee's attorneys of record be similarly provided with copies hereof.

Released: April 17, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3626; Filed, Apr. 24, 1953; 8:45 a. m.]

[Docket Nos. 10397, 10399, 10456]

WALTER F CORBIN ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Walter F Corbin, San Francisco, California, Docket No. 10397, File No. 1322-C2-P-52; Grant R.

Wrathall, San Francisco, California, Docket No. 10399, File No. 241–C2–P–53; Leo A. Loeb and Maurice Feil, d/b as Radio Call-Oakland, San Francisco, California, Docket No. 10456, File No. 905–C2–P–53; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of April 1953;

The Commission, having under consideration its order of February 4, 1953, designating for hearing the above-entitled applications in Dockets Nos. 10397 and 10399; and also having under consideration the above-entitled application of Radio Call-Oakland; and

It appearing, that the application of Radio Call-Oakland requests an authorization in the same service area as the other applications herein, and that the number of applications for authorizations in such service area exceeds the number of frequencies available in such area; and

It further appearing, that the Commission has transmitted a notice dated March 16, 1953, to Radio Call-Oakland, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, and that no reply to that notice has been received;

It is ordered, That the application of Radio Call-Oakland is designated for hearing in a consolidated proceeding with the other applications herein, to be held at the Commission's offices in Washington, D. C., on May 5, 1953, on the issues specified in the Commission's Order of February 4, 1953, herein.

Released: April 17, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–3625; Filed, Apr. 24, 1953; 8:45 a. m.]

[Docket Nos. 10438, 10439]

WDOD BROADCASTING CORP. AND MOUNTAIN CITY TELEVISION, INC.

MEMORANDUM OPINION AND ORDER DELETING ISSUES

In re applications of WDOD Broadcasting Corporation, Chattanooga, Tennessee, Docket No. 10438, File No. BPCT–676; Mountain City Television, Inc., Chattanooga, Tennessee, Docket No. 10439, File No. BPCT–882; for construction permits for new television stations.

1. The Commission has before it a petition to delete hearing issues, filed on March 31, 1953, by applicant Mountain City Television, Inc. Petitioner requests the Commission to delete Issues I (to determine its financial qualifications) and 2 (to determine whether its proposed station would be a hazard to air navigation) from the order of designation dated March 18, 1953, and published in the FEDERAL REGISTER on March 26, 1953. The competing applicant, WDOD Broadcasting Corporation, on April 6, 1953, filed a partial opposition to the petition, in which it states that it has no objection to the deletion of Issue 2, but that it objects to the deletion of Issue I. On April 10, 1953, Mountain City filed a reply, etc., to WDOD's partial opposition. Hearing in the proceeding is scheduled to commence before a Commission Examiner on April 20, 1953.

2. *Air navigation hazard issue.* Petitioner points out that it has recently received notification from the Atlanta Regional Airspace Subcommittee that its proposed antenna installation would not constitute a hazard to air navigation; and that the Commission's Antenna Survey Branch orally advised petitioner's attorney that on March 20, 1953, Airways clearance of its proposed site was received, the clearance specifying B6–17 marking. As the question whether petitioner's proposed station would constitute a hazard to air navigation has been thus resolved in its favor, there is no need to receive evidence in the record on the point. Issue No. 2 will therefore be deleted.

3. *Financial qualification issue.* Petitioner asserts that on March 30, 1953, The Examiner granted its request to amend its application with respect to its proposed financing and other matters. The amendment, which was filed after the Commission advised petitioner by letter dated February 10, 1953, that questions were raised as to its financial qualifications, according to petitioner substantially revises the proposed financing plan of the applicant [and] clearly establishes the financial capability of Mountain City Television, Inc., to construct, own and operate its proposed television broadcast station." Petitioner contends that "There is, therefore, no necessity of burdening the hearing record with evidence on the applicant's financial qualifications," and argues that the deletion of Issue 1 (as well as of Issue 2) will accord with the objective of the February 6, 1953, notice and order on changes in hearing procedures, under which this case was set for hearing, to shorten and expedite hearings.

4. In opposing the deletion of Issue 1, WDOD denies that the Mountain City amendment of March 20, 1953, shows that it is now financially qualified, and alleges that petitioner's pro-forma balance sheets show that 'it would be in grave financial difficulties during the first year of operation." WDOD contends that Mountain City's claims should be explored in hearing.

5. We have made a careful examination of Mountain City's amended application, and conclude that financial ability to construct and operate the proposed station for the initial period has been sufficiently shown to warrant a finding that the applicant is financially qualified and the deletion of Issue 1. Total cash required for construction is $139,970.36, and total cash available prior to operation is $205,000, leaving cash available to begin operation of $65,029.64. The payments on equipment installments, loan amortization, and interest, during the first year would be in the neighborhood of $75,000, and only a relatively moderate net income for the first year would be necessary to provide the balance of cash necessary for the initial period. That petitioner may have been unduly optimistic in forecasting a first year's net income before taxes of $114,300 is therefore not decisive. It is our aim to prevent waste of hearing time in the consideration of matters which have already been established.

6. Accordingly, *it is ordered*, This 15th day of April 1953, that the foregoing petition to delete hearing issues, filed by Mountain City Television, Inc., on March 31, 1953, is granted, and that Issues 1 and 2 are deleted from the order of designation of March 18, 1953, herein.

Released: April 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–3629; Filed, Apr. 24, 1953; 8:45 a. m.]

[Docket Nos. 10457, 10458]

WKRG-TV, INC., AND MOBILE TELEVISION CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WKRG-TV Inc., Mobile, Alabama, Docket No. 10457, File No. BPCT–690; The Mobile Television Corporation, Mobile, Alabama, Docket No. 10458, File No. BPCT–990; for construction permits for new television stations in Mobile, Alabama.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of April 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 5 in Mobile, Alabama; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated July 30, 1952, that their applications were mutually exclusive; that WKRG–TV Inc. was advised by a letter dated February 9, 1953, that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and that The Mobile Television Corporation was advised by a letter dated February 9, 1953, that a question of its authority to construct and operate a television station in Mobile, Alabama, had been raised; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the reply of the above letters filed by WKRG–TV Inc. (no reply having been received from The Mobile Televi-

sion Corporation) the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory that WKRG-TV Inc. is legally, financially and technically qualified to construct, own and operate a television broadcast station; and that The Mobile Television Corporation is financially and technically qualified to construct, own and operate a television broadcast station, is legally qualified to construct, own and operate a television broadcast station except as to the matter referred to in issue "1" below:

It is ordered That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 9:00 a. m. on May 25, 1953, in Washington, D. C., upon the following issues:

1. To determine whether The Mobile Television Corporation is authorized to construct, own and operate a television broadcast station in Mobile, Alabama.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications with particular reference to the following:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F R. Doc. 53-3628; Filed, Apr. 24, 1953; 8:45 a. m.]

[Docket Nos. 10465, 10466, 10467]

TRANS-AMERICAN TELEVISION CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Trans-American Television Corporation, Evansville, Indiana, Docket No. 10465, File No. BPCT-559; Premier Television, Inc., Evansville, Indiana, Docket No. 10466, File No. BPCT-1014, W R. Tuley, Evansville, Indiana, Docket No. 10467, File No. BPCT-1025; for construction permits for new television stations in Evansville, Indiana.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of April 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 62 in Evansville, Indiana, and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, Trans-American Television Corporation and Premier Television, Inc., were advised by letters dated July 30, 1952, that their applications were mutually exclusive; that W R. Tuley was advised by a letter dated October 16, 1952, that his application was mutually exclusive with the other two above-entitled applications; that Trans-American Corporation was advised by a letter dated February 16, 1953, that a question was raised as a result of deficiencies of a legal nature which existed in its application; that Premier Television, Inc., was advised by a letter dated February 16, 1953, that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved, and that W. R. Tuley was advised by a letter dated February 16, 1953, that certain questions were raised as a result of deficiencies of a financial nature which existed in his application; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory that Premier Television, Inc., and W. R. Tuley are legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Trans-American Television Corporation is financially and technically qualified to construct, own and operate a television broadcast station, and is legally qualified to construct, own and operate the proposed television broadcast station except as to the matter referred to in issue "1" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 9:00 a. m. on May 25, 1953, in Washington, D. C., upon the following issues:

1. To determine whether Trans-American Television Corporation is authorized to construct, own and operate a television broadcast station in the State of Indiana.

2. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications with particular reference to the following:

(a) The background and experience of each of the above-named applicants having a bearing on his ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3627; Filed, Apr. 24, 1953; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6159]

NEW ENGLAND POWER CO. ET AL.

NOTICE OF ORDER ALLOWING RATE SCHEDULE TO TAKE EFFECT AND TERMINATING RATE INVESTIGATION

APRIL 21, 1953.

In the matter of New England Power Company, Connecticut River Power Company, The Narragansett Electric Company, Docket No. E-6159.

Notice is hereby given that on April 17, 1953, the Federal Power Commission issued its order entered April 16, 1953, allowing rate schedule to take effect and terminating rate investigation in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3662; Filed, Apr. 24, 1953; 8:52 a. m.]

[Docket No. E-6486]

MONTANA POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

APRIL 21, 1953.

Notice is hereby given that on April 16, 1953, the Federal Power Commission issued its order entered April 16, 1953, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3663; Filed, Apr. 24, 1953; 8:52 a. m.]

[Docket Nos. G-1694, G-1695, G-1699, G-1749, G-1777]

CITY GAS CO. OF PHILLIPSBURG, N. J., ET AL.

NOTICE OF ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY, PERMITTING WITHDRAWAL OF FILINGS, AND EXTENDING TIME FOR COMPLETION OF CONSTRUCTION OF FACILITIES AND COMMENCEMENT OF SERVICE

APRIL 21, 1953.

In the matters of City Gas Company of Phillipsburg, New Jersey, Docket No. G-1694; The Manufacturers Light and Heat Company, Docket No. G-1695; Texas Eastern Transmission Corporation, Docket No. G-1699; Penn-Jersey Pipe Line Co., Docket No. G-1749; Allentown-Bethlehem Gas Company, Docket No. G-1777.

Notice is hereby given that on April 21, 1953, the Federal Power Commission issued its order entered April 16, 1953,

amending order (17 F R. 10126) issuing certificates of public convenience and necessity, permitting withdrawal of filings, and extending time for completion of construction of facilities and commencement of service in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-3664; Filed, Apr. 24, 1953; 8:52 a. m.]

[Docket No. G-1879]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 21, 1953.

Notice is hereby given that on April 16, 1953, the Federal Power Commission issued its order entered April 14, 1953, further amending order (17 F R. 7064) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-3665; Filed, Apr. 24, 1953; 8:52 a. m.]

[Docket Nos. G-1914, G-2090]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO. AND CHICAGO DISTRICT PIPELINE CO.

NOTICE OF OPINION NO. 248 AND ORDER

APRIL 21, 1953.

In the matters of Texas Illinois Natural Gas Pipeline Company, Docket No. G-1914; Chicago District Pipeline Company, Docket No. G-2090.

Notice is hereby given that on April 16, 1953, the Federal Power Commission issued its opinion and order entered April 16, 1953, in the above-entitled matters, issuing certificates of public convenience and necessity to Texas Illinois Natural Gas Pipeline Company, Docket No. G-1914, and Chicago District Pipeline Company, Docket No. G-2090; and authorizing abandonment of facilities by Chicago District Pipeline Company, Docket No. G-2090.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-3666; Filed, Apr. 24, 1953; 8:53 a. m.]

[Docket No. G-2112]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 21, 1953.

Notice is hereby given that on April 17, 1953, the Federal Power Commission issued its order entered April 16, 1953, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-3667; Filed, Apr. 24, 1953; 8:53 a. m.]

[Docket No. G-2147]

TREASURE STATE PIPE LINE CO.

NOTICE OF APPLICATION

APRIL 21, 1953.

Take notice that Treasure State Pipe Line Company (Applicant) a Montana corporation, address, Great Falls, Montana, filed on April 6, 1953, an application for a permit pursuant to section 3 of the Natural Gas Act, authorizing the exportation of additional quantities of natural gas from the United States into the Dominion of Canada.

Applicant presently is authorized to export natural gas into Canada pursuant to order of the Commission issued on November 18, 1952, in Docket No. G-1982. In said order, authorization was granted for the exportation of natural gas for delivery to Coutts Gas Company, Limited, and the volume of gas therein authorized to be exported were those which are available and necessary to meet the needs of Coutts Gas Company, Limited, for the sale and distribution of natural gas in the town of Coutts, Alberta, Canada.

Applicant now proposes to export additional volumes of natural gas in volumes sufficient to furnish a new natural-gas service to the village of Milk River, Alberta, Canada. Delivery of such additional volumes is proposed to be made at the same point of connection on the international boundary and through the same facilities as are used for delivery of gas to Coutts Gas Company, Limited, pursuant to the authorization contained in the Commission's order issued on November 18, 1952, in Docket No. G-1982. Applicant states that delivery is proposed to be made to the village of Milk River by means of a pipe-line system to be constructed from the town of Coutts, Alberta, Canada to the village of Milk River, Alberta, Canada, about twelve miles to the northwest.

Applicant estimates the total number of possible connections in the village of Milk River will be approximately 180, and that the potential market in said village will be approximately 50,000 Mcf annually.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of May 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-3669; Filed, Apr. 24, 1953; 8:53 a. m.]

[Docket No. G-2148]

TREASURE STATE PIPE LINE CO.

NOTICE OF APPLICATION

APRIL 21, 1953.

Take notice that Treasure State Pipe Line Company (Applicant) a Montana corporation, address, Great Falls, Montana, filed on April 6, 1953, an application for modification of a Presidential Permit signed by the President of the United States on October 30, 1952, pursuant to Executive Order No. 8202, dated July 13, 1939, authorizing the construction, maintenance, operation, and connection at the international boundary of facilities for the exportation of natural gas from the United States into the Dominion of Canada.

Applicant, a wholly owned subsidiary of Hard Rock Oil Co., was authorized by said Presidential Permit to construct, maintain, and operate a valve connection and meter at a point on its existing pipeline facilities connect with the distribution facilities of Coutts Gas Company, Limited, and at that point to sell and deliver natural gas produced in the Cut Bank Gas Field of Montana, for resale and distribution in the town of Coutts, Alberta, Canada. Applicant now proposes to export an additional volume of natural gas by means of said facilities in sufficient quantity to supply the village of Milk River, Alberta, Canada. Said additional volume of natural gas is proposed to be made available to the village of Milk River by means of a proposed transmission pipeline system extending from Coutts, Alberta, Canada, to Milk River, Alberta, Canada.

Applicant states that no additional construction will be required by it to render the service herein proposed.

Applicant estimates the total number of possible conections in the village of Milk River will be approximately 180, and that the potential market in said village will be approximately 50,000 Mcf annually.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of May 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-3670; Filed, Apr. 24, 1953; 8:53 a. m.]

[Project No. 1494]

GREAT RIVER DAM AUTHORITY

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

APRIL 21, 1953.

Public notice is hereby given that Grand River Dam Authority, of Vinita, Oklahoma, has made application for amendment of its license for Project No. 1494 to include: (1) The sixth generating unit in the powerhouse consisting of a

20,000-hp vertical single runner turbine connected to a 16,000-kva vertical shaft generator; (2) to include within the project boundary the operator's village consisting of 20 housing units and 20 acres of land described as the E½ NE¼ NE¼ Sec. 22, T. 23 N., R. 21 E., in Mayes County, Oklahoma, and (3) to include the Miami Switching Station No. 206. The application seeks to exclude from the license the Markham Ferry-Okay transmission line (part of Line 301) the Okay-Riverbank line (Line 301-A) the Markham-Ferry-Dawson line (Line 307) the Dawson Substation, No. 203; and the Riverbank Substation, No. 204.

Any protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 1st day of June 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3671; Filed, Apr. 24, 1953; 8:54 a. m.]

[Project No. 1852]

HALL-INTERSTATE MINING CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (MAJOR)

APRIL 21, 1953.

Notice is hereby given that on April 20, 1953, the Federal Power Commission issued its order entered April 16, 1953, accepting surrender of license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3668; Filed, Apr. 24, 1953; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice 44]

MINIDOKA IRRIGATION PROJECT, IDAHO; NORTH SIDE PUMPING DIVISION

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

APRIL 6, 1953.

LANDS COVERED

SECTION 1. *Lands for which water will be available.* Water will be available for the irrigation season of 1954 and thereafter for certain irrigable lands on the North Side Pumping Division of the Minidoka Irrigation Project, as shown on approved farm unit plats on file in the office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, and in the Land and Survey Office at Boise, Idaho.

Application may be made in accordance with this notice, beginning at 2:00 p. m., April 21, 1953, for a certificate of qualification which will entitle the holder to file an application for entry on the public lands shown on the plats.

The lands to which this notice pertains are described as follows:

BOISE MERIDIAN, IDAHO—PUBLIC LAND

IRRIGATION BLOCK NO. 1—FARM UNITS PARTIALLY DEVELOPED

Township 8 South, Range 23 East

Section	Farm Unit	Description	Total irrigable acres
8	B	Tract B	113.3
9	A	Tract A	85.7
9	B	Tract B	99.7
9	C	Tract C	92.0
17	A	Tract A	123.7
17	B	Tract B	94.9
26	A	Tract A	109.4
27	A	Tract A	89.8
27	B	Tract B	88.6
27	C	Tract C	103.4
27	D	Tract D	92.3
27	E	Tract E	95.7

Township 9 South, Range 23 East

5	A	Tract A	148.6
5	B	Tract B	132.4
6	A	Tract A	150.3

Township 8 South, Range 24 East

6	A	Tract A	90.6
6	B	Tract B	110.3
6	C	Tract C	94.6
7	B	Tract B	94.9
7	C	Tract C	87.1
7	D	Tract D	81.8
7	E	Tract E	85.7
7	F	Tract F	77.2
7	G	Tract G	79.5
8	C	Tract C	98.2
8	D	Tract D	94.9
8	E	Tract E	123.4
8	F	Tract F	99.8
11	A	Tract A	121.3
11	B	Tract B	86.5
11	D	Tract D	90.9
11	G	Tract G	91.9
14	B	Tract B	107.8
17	A	Tract A	107.9
17	B	Tract B	123.7
18	C	Tract C	113.3
18	D	Tract D	87.7
18	E	Tract E	135.5
18	F	Tract F	120.5
18	G	Tract G	83.5
18	H	Tract H	84.2
19	A	Tract A	97.8
19	B	Tract B	108.4
21	A	Tract A	102.9
21	B	Tract B	83.7
21	C	Tract C	108.4
28	B	Tract B	90.7
28	C	Tract C	122.3
28	D	Tract D	109.5
28	E	Tract E	108.7

IRRIGATION BLOCK NO. 2—FARM UNITS UNDEVELOPED

Township 8 South, Range 24 East

4	A	Tract A	99.7
8	A	Tract A	111.4
9	B	Tract B	89.3
9	C	Tract C	116.7
10	A	Tract A	106.1
10	B	Tract B	122.6
10	C	Tract C	121.0
10	D	Tract D	105.8
14	C	Tract C	81.5
14	D	Tract D	86.5
14	E	Tract E	76.1
15	A	Tract A	92.7
15	B	Tract B	111.0
15	C	Tract C	101.2
15	D	Tract D	74.9
15	E	Tract E	81.4
15	F	Tract F	94.0
15	G	Tract G	82.5
23	A	Tract A	86.9
23	B	Tract B	89.3
23	G	Tract G	121.5
24	A	Tract A	112.2

The Reclamation law provides that the Secretary of the Interior may designate an area of land in a project which, in his judgment, should be reclaimed and put under irrigation at substantially the same time, as an irrigation block. Pursuant to section 2 (k) of the Reclamation Project Act of 1939, the partially developed farm units described above are designated as Irrigation Block No. 1 and the undeveloped farm units are designated as Irrigation Block No. 2.

SEC. 2. *Limit of acreage for which entry may be made or water secured.* The public lands covered by this notice have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such land. The areas in the different units are fixed at the amounts shown upon the farm unit plats referred to in Section 1 of this notice. The maximum acreage of land in private ownership for which application for delivery of water may be made is 160 acres of irrigable land for each landowner.

PREFERENCE RIGHTS OF VETERANS

SEC. 3. *Nature of preference.* The law provides that when public lands are opened to entry, preference shall be given to applications which are made by certain veterans (and in some cases by their wives, husbands, or guardians of minor children) and which are filed within 90 days after the opening of the lands. The five classes of persons who are entitled to this veterans' preference are set forth in section 4 of this notice.

Therefore, applications for farm units on public lands covered by this notice which are made by persons coming within one of the five classes listed in section 4 of this notice will be given first consideration if submitted before 2:00 p. m., July 20, 1953.

In order to be eligible to receive farm units, all applicants, whether or not entitled to veterans preference, must possess the necessary qualifications as to industry, experience, character, capital, and physical fitness (see section 7 of this notice) and (except for duly appointed guaradians) must be qualified to make entry under the homestead laws.

SEC. 4. *Persons entitled to veterans preference.* The classes of persons who are entitled to the veterans preference described in section 3 of this notice are as follows:

(a) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least 90 days at any time between September 16, 1940, and July 3, 1952, inclusive, and who have been honorably discharged.

(b) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

(c) The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See section 8 of this notice regarding provision that a married woman must be head of a family.)

(d) The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(e) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

SEC. 5. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

(b) Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED BY THE RECLAMATION AND HOMESTEAD LAWS

SEC. 6. *Examining board.* An examining board of 3 members, including the Superintendent of the Minidoka Project, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of applicants to undertake the development and operation of a farm on the Minidoka Project. The board will make careful investigations to verify the statements made by applicants. Any false statement may constitute grounds for rejection of an application, cancellation of award, or cancellation of an entry.

SEC. 7. *Minimum qualifications.* This section sets forth the minimum qualifications which are necessary to give reasonable assurance of success of an entryman or entrywoman on a Reclamation farm unit. Applicants must, in the judgment of the examining board, meet these qualifications in order to be considered for entry. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum.

The minimum qualifications are as follows:

(a) *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years' (24 months) full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board, will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such a nature as, in the judgment of the examining board, will qualify the applicants to undertake the development and operation of an irrigated farm by modern methods.

(c) *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

(d) *Capital.* An applicant must possess assets worth at least $4,500 in excess of liabilities. Assets must consist of cash, property or assets readily convertible into cash, or assets such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. An applicant may be required to furnish a certified financial statement showing all of his assets and all of his liabilities. (See section 15 of this notice.) Assets not useful in the development of a farm will be considered if the applicant furnishes, at the board's request, evidence of the value of the property and proof of its conversion into useful form before the issuance of a certificate of qualification.

SEC. 8. *Other qualifications required.* All applicants (except guardians) must meet the requirements of the homestead laws. The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Must not have exhausted the right to make homestead entry on public land.

(c) Must not own more than 160 acres of land in the United States.

(d) Must, if a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsiblity for the support of a family may be the head of a family. Complete information concerning qualifications for homesteading may be obtained from the Land and Survey Office of the Bureau of Land Management at Boise, Idaho, or from the Director of that Bureau, Washington 25, D. C.

SEC. 9. *Restriction on ownership of project lands.* Applicants for certificates of qualifications must not hold or own, within any Federal Reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid, except that this restriction does not apply to small tracts used exclusively for residential purposes.

Prior to the issuance of a certificate of qualification and not later than the time of the personal interview, an applicant who owns lands in a Federal Reclamation project must furnish satisfactory evidence that the total construction charges allocated against the land owned by the applicant have been paid in full.

WHERE AND HOW TO APPLY FOR A FARM UNIT

SEC. 10. *Application blanks.* Any person desiring to enter any of the public land farm units described in this notice must fill out the attached application blank. Additional application blanks may be obtained from the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho; the Regional Director, Bureau of Reclamation, Boise, Idaho; or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C.

SEC. 11. *The filing of application.* An application for a certificate of qualification for a farm unit listed in this notice must be filed with the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, in person or by mail. No advantage will accrue to an applicant who presents an application in person.

SEC. 12. *Applications become Department records.* Each application submitted, including evidence of qualification to be submitted following the public drawing, will become a part of the records of the Department of the Interior and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted. In case an applicant is awarded a farm, the copy of his discharge papers will be attached to his certificate of qualification (see section 19 of this notice) for submission to the Bureau of Land Management.

SELECTION OF QUALIFIED APPLICANTS

SEC. 13. *Priority of applications.* All applications will be classified for priority purposes and considered in the following order:

(a) *First Priority Group.* All complete applications filed prior to 2:00 p. m., July 20, 1953, by applicants who

claim veterans preference. All such applications will be treated as simultaneously filed.

(b) *Second Priority Group.* All complete applications filed prior to 2:00 p. m., July 20, 1953, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

(c) *Third Group.* All complete applications filed after 2:00 p. m., July 20, 1953. Such applications will be considered in the order in which they are filed if any farm units are available for award to applicants within this group.

SEC. 14. *Public drawing.* After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 13 (a) of this notice. Applicants need not be present at the drawing in order to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be awarded) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this notice, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 15. *Submission of evidence of qualification.* After the drawing a sufficient number of applicants, in the order of their priority as established in the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in sections 7 and 8 of this public notice and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 4 of this public notice. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, within 30 days of the date the form is mailed to the last known address furnished by the applicant. Failure of an aplicant to furnish all of the information requested or to see that information is furnished by his references within the period specified will subject his application to rejection.

SEC. 16. *Final examination.* After the information requested as outlined in section 15 of this notice has been received or the time for submitting such statements has expired, the board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants to whom certificates of qualification will be issued. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants. If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the board for the purpose of: (a) affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units. If the applicant fails to appear before the board for a personal interview when requested, he shall thereby forfeit his priority as established by the drawing.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this notice, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units then available. A certificate of qualification will not be issued to an applicant who owns more than 160 acres of land in the United States. Therefore, an applicant may be required by the examining board, prior to the issuance of a certificate of qualification, to submit evidence satisfactory to the board that he does not own more than 160 acres.

If the applicant fails to supply any of the information required or the board finds that the applicant's qualifications do not meet the requirements prescribed in this notice, the applicant shall be disqualified and shall be notified by the board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, within 15 days of the applicant's receipt of such notice, or in any event, within 30 days from the date the notice is mailed to the last address furnished by the applicant. The Office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, will forward the appeals promptly to the Regional Director. The Regional Director's decision on all appeals shall be final.

SELECTION OF FARM UNITS

SEC. 17. *Order of selection.* The applicants who have been notified of their qualification for the award of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his entry filing with the Bureau of Land Management, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this notice remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 14 of this notice in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this notice.

In the event, however, that a farm unit remains unentered at the expiration of two years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit and it shall be awarded to the first applicant who files an application after the expiration of the two-year period and who meets the qualifications prescribed by the notice, without regard to veterans preference.

SEC. 18. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

SEC. 19. *Payment of charges and filing homestead applications.* After each qualified applicant has advised the board of his selection of a farm unit, he shall be notified by the board of the annual construction, water rental, or other charges and shall be furnished with copies of the contracts to be executed by him as required by subsections 20 (b) and (e) of this notice. The required payment and executed contracts must be received in the office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, within 15 days of the receipt by the applicant of such notice and contracts. Upon receipt of such payment and of the contracts fully executed before the expiration of said 15-day period, the board shall furnish each applicant, by registered mail or by delivery in person, a certificate of qualification stating that the applicant's qualifications to enter public lands have been examined and approved by the board. Such certificates must be attached by the applicant to the home-

stead application, which application must be filed in the Land and Survey Office, Bureau of Land Management, Boise, Idaho. Such homestead application must be filed within 15 days from the date of the receipt by the applicant of such certificate. Failure to pay annual construction, water rental, or other charges, to execute the required contracts, or to make application for homestead entry within the period specified herein will render the application subject to rejection.

SEC. 20. *Repayment obligations required to be undertaken under Federal Reclamation laws*—(a) *Establishment of development period.* Section 9 (d) (1) of the Reclamation Project Act of 1939 provides that, if, as in the case of the lands involved in this public notice, the lands are for the most part lands owned by the United States, the Secretary, prior to the execution of a repayment contract, may fix a development period and provide for the delivery of water during that period to the individual landowners on the basis of annual payments in advance of delivery of water.

Pursuant to that authority, the development period is hereby fixed as 8 years for the lands comprising Irrigation Block No. 1 and 10 years for the lands comprising Irrigation Block No. 2, both commencing January 1, 1954, subject, however, to the right of the Secretary by a supplemental notice to shorten these periods should it be determined that the full period is not justified.

(b) *Repayment organization and contract.* The Reclamation Project Act of 1939 requires that, as a condition precedent to the continued delivery of water after the close of the development period, the water users must form an organization, satisfactory in form and powers to the Secretary, to contract with the United States to repay the reimbursable construction costs incurred and to be incurred by the United States in the construction and operation and maintenance of the North Side Pumping Division. The organization proposed for the area comprising the North Side Pumping Division is an irrigation district to be created under the laws of the State of Idaho embracing all the lands proposed to be served by the works of the Division as authorized by the act of September 30, 1950. Before the end of the development period for Irrigation Block No. 1, the United States will request the landowners involved to organize such a district and to enter into an appropriate repayment contract with the United States in conformity with the requirements of the Federal Reclamation laws. To insure fulfillment of this requirement, each qualified applicant will be required, as a condition precedent to the issuance of a certificate of qualification, to agree to join in a petition for the creation of such a district and to include his lands in such a district when requested so to do by the United States.

(c) *Charges payable during development period.* (1) For both Irrigation Blocks Nos. 1 and 2 during the development period, a minimum amount of water will be furnished at an annual charge per irrigable acre to be paid in advance of delivery of water. The quantity of water to be delivered for the minimum charge each year will be specified by the Regional Director and water in excess of the amount to be furnished for the minimum charge will be furnished on an acre-foot basis in accordance with an ascending scale of rates. It is estimated that over the development period charges for water will average $3.30 per year for each irrigable acre. It is also the present plan to set a small minimum charge for the first year and to increase it each year during the development period with the object of having the charge for the last year of the development period approximately equal to the estimated combined construction and operation and maintenance charges for the first year that construction charges are required to be paid under the repayment contract. This combined operation and maintenance and construction charge is presently estimated at $10.00 per irrigable acre. Charges during the development period are expected to equal operation and maintenance costs during that period and are not intended to return any of the construction costs. Prior to the execution of the repayment contract, payments required to be made during the development period will be paid by the individual water users to the United States pursuant to announcements made by the Regional Director. After the repayment contract has been executed, payments by the water users will be made to the irrigation districts which will in turn make payments to the United States.

(2) For the 1954 irrigation season, water users in Irrigation Block No. 1 shall be required to pay a minimum water rental charge of $4.20 per irrigable acre, on the entire irrigable acreage in their farm units.

For lands in Irrigation Block No. 2, the minimum charge of $4.20 per irrigable acre shall be required to be paid for each irrigable acre for which water is requested except that water users in this block must pay this minimum charge for at least 50 percent of the irrigable acreage.

Water users in Blocks 1 and 2 will be furnished three acre-feet of water for each irrigable acre in their farm units for which payment of the minimum charge is made. Water, in excess of three acre-feet for each irrigable acre, if available, will be furnished during the 1954 irrigation season at the following rates:

Fourth acre-foot per acre	$1.70
Fifth acre-foot per acre	2.25
Sixth acre-foot per acre	2.80

(3) The foregoing charges are subject to all provisions of the Federal Reclamation laws relating to collections and penalties for delinquencies.

(d) *Construction charges required to be paid.* After the development period has ended as to each irrigation block, the water users of the block will be required to pay, in accordance with the terms of the repayment contract, an annual charge per irrigable acre to meet operation and maintenance costs and to repay to the United States that portion of the cost of construction of the North Side Pumping Division which is assigned for repayment by the water users. The repayment contract may provide for such payment over a 50-year period following the development period and the law requires that the construction charge obligation shall be distributed equally to like classes of land, both annual instalments to be adjusted on the basis of crop returns, as adjusted for agricultural parity. It is now estimated that a basic annual payment of $2.30 per irrigable acre for the entire North Side Pumping Division will be sufficient to return the current estimate of the costs of the Division required to be repaid by the water users, this representing an estimated total construction charge of $115 per irrigable acre. It is currently estimated that the average annual charge per irrigable acre for operation and maintenance will be $3.30. This estimate includes replacements required during the repayment period and the costs of power for irrigation pumping. The figures given both as to the construction obligation and the annual operation and maintenance costs are estimates only and subject to change in terms of costs as actually incurred. These estimates of the construction and operation and maintenance charges and the average estimated charges for water during the development period, as set out in subsection 20 (c) (1) of this notice, are based on the assumption that power will be furnished by the Bureau under a wheeling arrangement with the Idaho Power Company on terms similar to those provided by the existing contract with the Company, dated December 15, 1950.

(e) *Recordable contracts required.* Applicants for entry of public land will be required as a condition precedent to the issuance of a certificate of qualification, to execute and deliver a recordable contract which is intended to discourage the sale of land while it is in a developmental stage at prices in excess of its fair market value and to discourage speculation in such lands. Under present policies such contracts will remain in effect until the end of the fifth year after the commencement of payment of construction charges on the lands involved. As a basis for operation of such contracts, all the lands of the Division will be appraised at their fair market value without regard to increments by reason of the prospect of obtaining water, and the contracts will provide that, in the event lands are sold at prices in excess of their appraised values, as these are revised from time to time, a portion of the excess shall be applied in payment of construction charges against the land.

GENERAL PROVISIONS

SEC. 21. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice.

SEC. 22. *Reservation of rights of way for public roads.* Rights of way along section lines and other lines shown in red on the farm unit plats described in section 1 of this notice are reserved

for county, state, and Federal highways and access roads to the farm units shown on said farm unit plats.

SEC. 23. *Reservation or rights of way for utilities.* Rights of way are reserved for Government-owned telephone, electric transmission, water and sewer lines, and water treating and pumping plants, as now constructed, and the Secretary of the Interior reserves the right to locate such other Government-owned facilities over and across the farm units above-described as hereafter, in his opinion, may be necessary for the proper construction, operation, and maintenance of the said project. Existing rights of way granted by the United States are also reserved.

SEC. 24. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise, the homestead applications will be rejected or the homestead entry or entries cancelled.

SEC. 25. *Effect of relinquishment or cancellation.* In the event that any entry of public land made hereunder shall be relinquished by the entryman or cancelled for any cause, other than by contest, the farm unit affected by such relinquishment or cancellation shall be disposed of as follows:

(a) If the entry is relinquished or cancelled within two years after the date of the notice, such unit shall be offered without delay to the qualified applicant next in order of priority as established in the drawing who will be treated as a standing applicant therefor under this notice. Such applicant shall be required to furnish such additional information as may be necessary to satisfy the board that he is still qualified under the terms of the notice. In the event that an award cannot be made to a qualified applicant, the unit shall be offered as prescribed in subsection (b) below.

(b) If an entry is relinquished or cancelled at any time after the expiration of 2 years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit and it shall be awarded to the first applicant who files an application after the effective date of the relinquishment or cancellation and who meets the qualifications prescribed by the notice without regard to veterans preference.

FRED G. AANDAHL,
Assistant Secretary of the Interior

APRIL 6, 1953.

[F. R. Doc. 53-3634; Filed, Apr. 24, 1953; 8:46 a. m.]

PALISADES PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

AUGUST 14, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388)

BOISE MERIDIAN, IDAHO

T. 1 S., R. 45 E.,
Sec. 13, S½SW¼SE¼,
Sec. 28, Lot 7 and SW¼SW¼,
Sec. 29, Lot 6, SE¼SW¼, NW¼SE¼, and S½SE¼,
Sec. 31, E½SE¼,
Sec. 32, NE¼NE¼, W½NE¼, NE¼NW¼, S½NW¼, N½SW¼ and SW¼SW¼.
T. 2 S., R. 45 E.,
Sec. 25, Lot 1.
T. 1 S., R. 46 E.,
Sec. 18, Lot 4 and SE¼SW¼,
Sec. 19, Lots 1, 2 and NE¼NW¼.
T. 3 S., R. 46 E.,
Sec. 7, N½NW¼.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 37 N., R. 118 W.,
Sec. 7, Lot 4.

The above areas contain approximately 1,068.28 acres.

G. W LINEWEAVER,
Assistant Commissioner

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM PINCUS,
Assistant Director
Bureau of Land Management.

APRIL 15, 1953.

Notice for Filing Objections to Order Withdrawing Public Lands

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the States of Idaho and Wyoming, for use in connection with the further development of the Palisades Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W LINEWEAVER,
Assistant Commissioner

[F. R. Doc. 53-3635; Filed, Apr. 24, 1953; 8:47 a. m.]

[No. 9, Amdt. 1]

TUCUMCARI IRRIGATION PROJECT, NEW MEXICO

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

APRIL 10, 1953.

1. *Water rental.* Pursuant to Article 10 of the contract of December 27, 1938, irrigation water will be furnished when available, upon a rental basis during the irrigation season of 1953, where the progress of construction will permit, to the irrigable lands in the Arch Hurley Conservancy District described below:

Entire project irrigable area embracing all units from 1 through 7—Water to be furnished beginning about April 1, 1953.

Irrigable lands shall be as designated by the Secretary under date of October 5, 1951, and described in detail in the "Tabulation of Irrigable Areas" dated January 2, 1951. Any qualified water user wishing to ascertain the irrigability of any tract of land may do so by examining copies of this designation in the office of the Arch Hurley Conservancy District.

2. *Charges and terms of payment.* (a) The minimum water rental charge for irrigable land within the boundaries of the Arch Hurley Conservancy District, as above described, shall be $3.75 per irrigable acre, payment of which will entitle the water user to one acre-foot of water per irrigable acre, or so much thereof as may be available in the event of pro-ration. Additional water will be furnished during the irrigation season, if available, at the rate of $2.00 per acre-foot. In the event applications received are for an amount of water in excess of the available supply all deliveries will be subject to pro-ration to the extent deemed necessary.

(b) All charges shall be payable by the water users to the District in advance of the delivery of water. Minimum water rental charges payable to the District for irrigable lands which do not apply for water shall be due on or before June 1, 1953. Payment of all receipts shall be made by the District to the United States on or before July 1, 1953.

3. Water will be delivered and measured by Government forces at the nearest measuring device to the individual farm.

4. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or are held under contract of purchase by persons duly qualified to receive water under the terms of the Reclamation Act of June 17, 1902 (32 Stat. 388), and acts of Congress supplementary thereto or amendatory thereof, and who have duly complied with the requirements of the contract of December 27, 1938, between the United States and the District, including:

(a) The execution and delivery of the recordable contract as provided for in Article 30 (b) of said contract;

(b) The execution and delivery of the valid recordable contract, in case of ownership of excess land, as provided for in Articles 30 (a) and 32 of said contracts.

5. Individual applications for water on forms approved by the United States and the payments required by this announcement will be received at the office of the Secretary of the Arch Hurley Conservancy District, Tucumcari, New Mexico. Requests by the District for water for such lands as are entitled to receive water and payments by the District to the

United States will be received at the office of the Bureau of Reclamation, Tucumcari, New Mexico.

6. The above water rental procedure will be followed since it has been determined that it is factually impossible, in view of the provision for construction of distribution works by the United States under the contract with the Arch Hurley Conservancy District dated December 27, 1938, to make water available for irrigation use during the season 1953 as contemplated in Article 8 of the contract.

R. S. BRISTOL,
Acting Regional Director

[F. R. Doc. 53-3636; Filed, Apr. 24, 1953; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 100]

INDIANAPOLIS, INDIANA

DECERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

APRIL 23, 1953.

Upon review of specific data presented to the Secretary of Defense and the Director of Defense Mobilization, the undersigned find that one or more of the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, no longer exist in the area designated as:

INDIANAPOLIS, INDIANA

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is no longer a critical defense housing area.

ROGER M. KYES,
Acting Secretary of Defense.
ARTHUR S. FLEMMING,
Acting Director of Defense Mobilization.

[F. R. Doc. 53-3720; Filed, Apr. 23, 1953; 2:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3002]

MISSISSIPPI POWER & LIGHT CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

APRIL 21, 1953.

The Commission, by orders dated March 5, 1953, and March 18, 1953, having permitted to become effective the declaration, as amended, of Mississippi Power & Light Company ("Mississippi") an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, with respect to the issuance and sale of $12,000,000 principal amount of First Mortgage Bonds, __ Percent, due 1983 pursuant to the competitive bidding requirements of Rule U-50; and

The Commission's supplemental order of March 18, 1953, with respect thereto having reserved jurisdiction with respect to legal fees and expenses; and

The record having been completed with respect to these matters and the Commission finding that said legal fees are not unreasonable, and that it is appropriate to release jurisdiction heretofore reserved with respect thereto as follows:

Reid & Priest (New York counsel for the company)	$10,000
Greene, Greene & Cheney (local counsel for the company)	5,000
Winthrop, Stimson, Putnam & Roberts (independent counsel for the purchaser; fee to be paid by the purchaser)	6,000

It is ordered, That jurisdiction heretofore reserved with respect to legal fees and expenses in connection with the declaration, as amended, of Mississippi be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-3649; Filed, Apr. 24, 1953; 8:49 a. m.]

[File No. 70-3020]

CENTRAL AND SOUTH WEST CORP. AND SOUTHWESTERN GAS AND ELECTRIC CO.

ORDER REGARDING ISSUANCE AND SALE OF COMMON STOCK TO PARENT COMPANY BY SUBSIDIARY

APRIL 21, 1953.

Central and South West Corporation ("Central") a registered holding company, and its public utility subsidiary, Southwestern Gas and Electric Company ("Southwestern") having filed a joint application-declaration and an amendment thereto with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") particularly sections 6 (a) 7, 9 (a) and 12 (f) thereof and Rule U-50 (a) (3) promulgated thereunder, regarding the following proposed transactions which are summarized as follows:

Southwestern proposes to issue and sell to Central, and Central proposes to acquire, 100,000 shares of Southwestern's common stock ($10 par value per share) for the sum of $1,000,000 cash. Southwestern will use the proceeds to be received to finance, in part, its construction program.

The Arkansas Public Service Commission has authorized the issuance and sale of common stock as proposed by Southwestern.

Notice of the filing of the joint application-declaration, as amended, having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and the Commission finding with respect to the joint application-declaration, as amended, that the applicable statutory standards are satisfied and that it is not necessary to impose any terms and conditions other than those prescribed in Rule U-24 and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and be permitted to become effective forthwith:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-3650; Filed, Apr. 24, 1953; 8:50 a. m.]

[File No. 70-3031]

GENERAL PUBLIC UTILITIES CORP.

ORDER AUTHORIZING CAPITAL CONTRIBUTIONS BY HOLDING COMPANY TO SUBSIDIARY

APRIL 21, 1953.

General Public Utilities Corporation ("GPU") a registered holding company, having filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") particularly section 12 (b) thereof and Rule U-45, proposing that GPU make capital contributions, from time to time, but not later than December 31, 1953, in the aggregate amount of $675,000 to its subsidiary, Northern Pennsylvania Power Company ("North Penn"), all of whose common stock is owned by GPU. The proposed capital contributions, which are to be credited to the stated capital applicable to North Penn's common stock, will be used by North Penn to finance construction or to reimburse its treasury for expenditures therefrom for construction purposes or to repay bank loans effected for such purpose.

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction and that fees and expenses of GPU in connection with the proposed transaction, including legal fees, are estimated not to exceed $300. It requests that the Commission's order become effective upon issuance.

Due notice of the filing of the declaration and amendment having been given and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-3651; Filed, Apr. 24, 1953; 8:50 a. m.]

[File No. 70-3042]

METROPOLITAN EDISON CO. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING REGARDING ISSUANCE AND SALE TO BANKS OF UNSECURED NOTES OF COMMON STOCK TO PARENT, AND OF BONDS

APRIL 21, 1953.

Notice is hereby given that General Public Utilities Corporation ("GPU") a registered holding company, and one of its public utility subsidiaries, Metropolitan Edison Company ("Meted") have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (b) 9 (a) and 10 of the act and Rules U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Meted proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50 $8,000,000 principal amount of First Mortgage Bonds, ____ percent Series, due 1983, to be issued under and secured by the Indenture dated as of November 1, 1944, between Meted and Guaranty Trust Company of New York, as trustee, as heretofore supplemented and as to be supplemented by an indenture to be dated as of May 1, 1953. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid to Meted (which will not be less than 100 percent or more than 102¾ percent of the principal amount) are to be determined by the competitive bidding.

Meted also proposes to issue and sell to GPU (the owner of all the outstanding common stock of Meted) and GPU proposes to purchase from Meted, at one time or from time to time but, in any event, prior to or simultaneously with the issuance and sale of the additional bonds, 32,500 additional shares of Meted's no par value common stock at a price of $100 per share or an aggregate price of $3,250,000.

Meted further proposes by the issuance and sale of notes, to borrow and reborrow from banks, from time to time (but not later than September 30, 1954) sums not to exceed the aggregate amount of $7,500,000 outstanding at any one time. Such notes are to be issued pursuant to the terms of a credit agreement dated February 26, 1953, between Meted and Berks County Trust Company, The Marine Midland Trust Company of New York, and The National City Bank of New York. Any note issued under the credit agreement is to mature at a date to be specified by Meted, but not later than December 31, 1957.

Any note maturing on or before December 31, 1954, is to bear interest at the rate of 3 percent per annum; any note maturing after December 31, 1954, is to bear interest at the rate of 3¼ percent per annum. Any note may be prepaid, in whole or in part, without premium, unless (a) the note prepaid matures on or before December 31, 1954, and is prepaid with proceeds, or in anticipation, of another note issued under the credit agreement maturing after December 31, 1954, made within two months of such prepayment, or (b) the prepayment is made with proceeds, or in anticipation, of any bank borrowing not made under the credit agreement. In the event of prepayment pursuant to (a) above, the company is required to pay a premium at the rate of ¼ of 1 percent per annum of the amount prepaid from the date of issuance of the note to the date of such prepayment; in the event of prepayment pursuant to (b) above the premium will be at the rate of ½ of 1 percent per annum of the amount prepaid.

If Meted pays at maturity any note maturing on or before December 31, 1954, from the proceeds, or in anticipation, of another loan under the credit agreement maturing by its terms after December 31, 1954, made within two months of such payment, the company is required to pay a premium at the rate of ¼ of 1 percent per annum of the amount of the outstanding principal of the note so paid from the date of issuance of the note to its maturity.

Meted is to pay the banks a commitment fee, computed on a daily basis from the date of any Commission order approving the instant proposal to September 30, 1954; at the rate of ¼ of 1 percent per annum, on the unused balance of the commitment, which commitment may be terminated or reduced by Meted at any time upon five days' prior notice and payment of the commitment fee accrued and unpaid.

Meted states that it consents to the imposition by the Commission in any order approving the proposals of a condition providing that, unless and until a post-effective amendment to this application-declaration shall have been filed and granted and permitted to become effective, the aggregate principal amount of borrowings by Meted outstanding at any one time under the credit agreement shall not exceed $4,200,000. The filing states that the proceeds from the sale of the bonds, and the common stock, and from such bank borrowings will be used in connection with Meted's construction program.

The filing states that the fees and expenses of GPU in connection with the proposed transactions will be filed by amendment and that the total expenses to be incurred by Meted are estimated not to exceed $69,000 with respect to the bonds, $3,900 with respect to the common stock and $3,000 with respect to the notes.

The filing further states that no State or Federal regulatory body, other than the Pennsylvania Public Utility Commission and this Commission, has jurisdiction over any of the proposed transactions and that the issuance and sale by Meted of the bonds, the common stock, and of the notes under the credit agreement will be solely for the purpose of financing the business of Meted and are expected to be expressly authorized by the Pennsylvania Public Utility Commission. It requests that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than May 7, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-3648; Filed, Apr. 24, 1953; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28015]

LUBRICATING OIL FROM PANAMA CITY, FLA., TO GADSDEN, ALA.

APPLICATION FOR RELIEF

APRIL 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Lubricating oil and related articles, carloads.

From: Panama City, Fla.

To: Gadsden, Ala.

Grounds for relief: Rail and motor competition and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 89.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-3631; Filed, Apr. 24, 1953; 8:46 a. m.]

[4th Sec. Application 28016]

PAPER AND PAPER ARTICLES FROM ROCKINGHAM, N. C., TO POINTS IN MIDWEST AND SOUTHWEST

APPLICATION FOR RELIEF

APRIL 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Rockingham, N. C.

To: Points in Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

Grounds for relief: Rail and market competition, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1317, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3632; Filed, Apr. 24, 1953; 8:46 a. m.]

[4th Sec. Application 28017]

WOODPULP FROM EAST PORT, FLA., TO OFFICIAL AND W. T. L. TERRITORY

APPLICATION FOR RELIEF

APRIL 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, carloads.

From: East Port and Eastport Junction, Fla.

To: Points in official territory (including Illinois) Ohio River crossings, Virginia gateways, and western trunkline territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, Supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3633; Filed, Apr. 24, 1953; 8:46 a. m.]